

LACKAWANNA CITY SCHOOL DISTRICT
2021-2022
DISTRICT - WIDE
CODE OF CONDUCT
FINAL VERSION

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LACKAWANNA CITY SCHOOL DISTRICT CODE OF CONDUCT

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LACKAWANNA CITY SCHOOL DISTRICT CODE OF CONDUCT

INTRODUCTION

Mission Statement:

The Lackawanna City School District is a learning community that develops students' academic knowledge and skills for succeeding in educational and career pursuits, acquiring life-long learning skills, and demonstrating social responsibility. A motivated professional staff will utilize a well-defined standards-based curriculum responsive to student needs.

Vision Statement:

All students will meet all state standards and become responsible, contributing members of their community.

Belief Statements:

The Board of Education and community of the Lackawanna City School District believe that:

- 1) Everyone can learn and is entitled to equal opportunity to reach his/her potential.
- 2) Everyone deserves mutual respect.
- 3) Education requires the responsible commitment of students, staff, parents, Board of Education, and the community at large.
- 4) Everyone needs to develop a disciplined life through accepting responsibility for his/her own actions.
- 5) Intellectual achievement is only one aspect of a satisfying life.

The Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality education services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors, including, but not limited to vendors, contractors and volunteers, is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code").

The Code applies; within the school setting, at school-sponsored events outside the buildings and/or district, and as part of transportation service. Unless otherwise indicated it applies to all students, school personnel, parents, and other visitors when on school property or at any school-related function. The District also reserves the right to impose discipline for acts which constitute a violation of this Code, but which occur outside of school property or a school-related function, if there is a sufficient connection between the conduct and the District to create a foreseeable risk of substantial disruption to the educational environment and warrant the imposition of discipline.

DEFINITIONS

Building: means the physical site (school) where a program's services are delivered to students. BOCES usually refers to buildings as "centers".

Building Administrator: means an administrator who is responsible for the supervision and management of an educational site.

Committee on Special Education (CSE): means the committee on special education or subcommittee on special education.

Dangerous Weapon: means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. Any and all determinations of what constitutes a weapon shall be made in accordance with relevant provisions of the Penal Law of the State of New York (Penal Law Sections 265.01-265.06).

Disruptive Student: means a school age student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Electronic Communication Devices: means any electronic device, including but not necessarily limited to: cell phones, electronic recorders and players, laptops, computers and any assistive or augmentative devices, which assist in communication.

Formal Removal by Teacher: means the action by a certified teacher to have a disruptive student removed from the classroom. Time-honored classroom management techniques for controlling student behavior, defusing a situation and/or preventing a crisis are not considered "formal removal by a teacher" for purposes of this code.

Gender: means actual or perceived sex and shall include a person's gender or identity

Gender Expressions: is the manner in which a person represents or expresses to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms

Gender Identity: is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth

Individualized Education Program (IEP): means a written statement developed, reviewed and revised in accordance with section 200.4 of the Regulations of the Commissioner that includes the components specified in section 200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

Individuals with Disabilities Education Act (IDEA): means the Federal law related to the education of students with disabilities.

In School Suspension (ISS): means a removal (1-5 days) from the traditional classroom environment and put into a special suspension classroom, supervised by a teacher(s). Example: BOCES-Potter Road site.

Long Term Suspension: means a suspension of more than five consecutive school days.

Manifestation Determination (NEXUS): means a review conducted by the Committee on Special Education (CSE), of the relationship between the student's disability and behavior subject to disciplinary action.

Other School Staff: means non-instructional staff such as aides, clerical, custodial, and food service personnel who are located within a school building and provide operational support to the school program.

Parent and Guardian: means parent, legal guardian or person in legal parental relation to a student.

Plagiarism: is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.

Positive School Climate: means a setting where all students and staff experience a safe, healthy and caring environment, which fosters respect and high expectations, maximizes potential and motivates interest and enthusiasm.

Program: means an educational approach to providing learning experiences in order to address academic, behavioral, developmental or career needs of students. A program can be center based or can exist in more than one building.

School Property: means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a bus, as defined in Vehicle and Traffic Law Section 142.

School Function: means any school-sponsored extracurricular event or activity on or off school grounds.

Short Term Suspension: means a suspension of five consecutive school days or fewer.

Student Support Service Personnel: means any staff member who provides direct educationally related services that assist students in coping with peer pressure and emerging personal, social, emotional and physical problems. These services are provided by psychologists, social workers, counselors, guidance counselors, ESL teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, occupational or physical therapists.

Violent Student: means a school age student who:

- Commits an act of violence upon a school employee or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Display while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

Weapon: means any device, instrument, material or substances that can cause physical injury or death when used to cause physical injury or death.

DIGNITY FOR ALL STUDENTS LEGISLATION

The Board of Education of the Lackawanna City School District is committed to providing an educational environment that promotes respect, dignity, and equality. The board recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of its schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts. To this end, the board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, and at school functions, which means school-sponsored, extra-curricular events or activities.

The Dignity Act prohibits discrimination and/or harassment of students on school property and at school functions by students and/or employees. However, harassment can include, among other things, the use, both on and off school property, of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying. Although the Dignity Act does not specifically address cyberbullying, it is considered a form of harassment, like bullying.

Effective July 1, 2013, the New York State Legislature passed an amendment to the Dignity for All Students Act to specifically address cyberbullying. The Lackawanna City School District prohibit any form of cyberbullying as harassment or bullying that occurs through any form of electronic communication, including off school property where there is a foreseeable risk of substantial disruption with the school environment.

Harassment:

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and have developed its policies to comply with them. The intent of these policies is to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability. The Dignity Act (Education Law § 11[7]) defines harassment as the creation of a hostile environment by conduct or by verbal threats, nonverbal action, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived:

- race
- weight
- religious practice
- sex
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression)
- color
- national origin
- ethnic group
- religion
- disability

- sexual orientation

Bullying:

Bullying has been described by the USDE as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, according to the USDE, bullying generally involves the following characteristics:

- **An Imbalance of Power:** Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **The Intent to Cause Harm:** The person bullying has a goal of causing harm.
- **Repetition:** Bullying behaviors generally happen more than once or have the potential to happen more than once. Examples of bullying include, but are not limited to:
 - **Verbal:** Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
 - **Social:** Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
 - **Physical:** Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

Hazing:

The Penal Law defines hazing as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury (Penal Law §120.16).

Discrimination:

Discrimination is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, sexual orientation, religion or gender.

Provisions for responding to acts of sexual harassment, harassment, bullying, and/or discrimination against students by employees or students with respect to such acts against students, by students, incorporate a progressive model of student discipline that includes measured, balanced, and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student, and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonable calculated to end the harassment, bullying, and/or discrimination, prevent reoccurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

STUDENT RIGHTS AND RESPONSIBILITIES

We believe that by accepting and fulfilling appropriate responsibilities, individuals will come to value the privileges that result. It must be understood that with every right comes a responsibility.

It is the Student's Right:

It is the Student's Responsibility:

- | | | |
|---|---|---|
| 1) To attend school in the district in which his/her parent or legal guardian resides. | → | To attend school, daily, regularly and on time perform assignments, and strive to do your highest quality work. |
| 2) To expect that school will be a safe orderly and purposeful place for all students to gain an education and to be treated fairly. | → | To be aware of all rules and expectations regulating student's behavior and conduct him/herself in accordance with these guidelines. |
| 3) To be respected as an individual. | → | To respect one another, and to treat others in the manner that you would want to be treated. |
| 4) To express his/her opinions verbally or in writing. | → | To express his/her opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others. |
| 5) To dress in such a way as to express his/her personality. | → | To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting. |
| 6) To have an opportunity to present your version of the facts and circumstances in all disciplinary matters. | → | To be truthful and respectful when responding to authority. |
| 7) To be represented by an active student government selected by free school elections. | → | To take an active part in student government by running for office, or conscientiously voting for the best candidates and making his/her concerns known to the representatives. |
| 8) To be afforded equal and appropriate educational opportunities. | → | To be aware of available educational programs in order to fully benefit from school. |
| 9) To take part in all school activities on an equal basis regardless of race, sex, religion, age, political affiliation, sexual orientation, military status, veteran status, use of a recognized guide dog, hearing dog or service dog, national origin, or disability. | → | To work to the best of your ability in all academic and extracurricular activities, as well as being fair and supportive of others. |
| 10) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with severe personal problems. | → | To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate. |
| 11) To be protected from discriminatory practices. | → | To refrain from participating in any discriminatory practices against others. |
| 12) To have choices. | → | To accept the consequences for these choices within our Code of Conduct. |

ESSENTIAL PARTNERS

Expectations for Parents and Guardians:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Ensure your child attends school daily, arrives to school on time, and all absences are properly excused. (Lackawanna Comprehensive Student Attendance Policy and Section 3205 - Title IV, Article 65, Part I).
- 2) Insist that your child is dressed in compliance with school rules regarding sanitation and safety and in a fashion that will not disrupt classroom procedures.
- 3) Be as certain as possible that your child is free of communicable disease and is in good health, enabling him or her to participate in the learning environment.
- 4) Teach your child, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
- 5) Know and understand the rules your child is expected to observe at school. Be aware of the consequences for violations of these rules and accept legal responsibility for your child's actions.
- 6) Help your child understand that appropriate rules are required to maintain a safe, orderly environment and provide effective and appropriate strategies for dealing with peer pressure in accordance with the Lackawanna City School District Code of Conduct.
- 7) Instill in your child a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge.
- 8) Become acquainted with your child's school, its staff, curriculum and activities. Attend parent-teacher conferences and school functions.
- 9) Convey to your child a supportive attitude toward education and the District.
- 10) Recognize that the education of your child is a joint responsibility of the parents/guardians and the school community.
- 11) Send your child to school ready to participate and learn as required by NYS school law.
- 12) Promote positive behavior in your child by helping him or her to accept the consequences of his or her actions and by becoming involved in the behavior management/disciplinary process; guide your child to develop socially acceptable standards of behavior.
- 13) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 14) Support your child educationally by providing a place for study and ensuring that homework assignments are completed.
- 15) Report any school-related safety concerns to a building administrator for resolution.

Expectations for Teachers:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) At the start of the school year upon employment, teachers will sign off that the code of conduct has been read and understood. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
- 2) Support the District's and buildings educational and academic goals.
- 3) Guide learning activities so students learn to think and reason, assume responsibility for their actions and respect the rights of others.
- 4) Be fair, firm and consistent in enforcing school rules on school property and at all school functions.
- 5) Give positive reinforcement for acceptable behavior.
- 6) Encourage students to benefit from the curriculum and co-curricular activities.

- 7) Inform a counselor and/or administrator concerning any student whose behavior requires special attention.
- 8) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
- 9) Communicate regularly with students, parents and other staff.
- 10) Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including but not limited to:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan
 - Building-wide discipline plan
 - Student progress
- 11) Be knowledgeable of and be able to apply effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
- 12) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 13) Demonstrate dependability, integrity, self-discipline and respect for law by word and personal example.
- 14) Report any school-related safety concerns to a building administrator for resolution.

Expectations for Student Support Service Personnel (School Counselors, Psychologists, Social Workers):

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Demonstrate interest and concern for student achievement in the educational process.
- 2) Support the District's and buildings educational and academic goals.
- 3) Know school policies and rules, including this Code of Conduct, and enforce them in a fair and consistent manner.
- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Demonstrate dependability, integrity and other standards of ethical conduct.
- 6) Provide educationally related service(s) to support students in their education program.
- 7) Support the District's and buildings educational and academic goals.
- 8) Assist students in coping with peer pressure and emerging personal, social, emotional and physical problems.
- 9) Encourage students to benefit from the curriculum and co-curricular activities.
- 10) Communicate regularly with students, parents and other staff.
- 11) Be knowledgeable of and be able to apply effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques.
- 12) Report any school-related safety concerns to a building administrator for resolution.
- 13) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.

Expectations for Other School Staff:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Support the District's and buildings educational and academic goals.
- 3) Set a good example for students and other staff by demonstrating dependability, integrity, respect and other standards of ethical conduct.

- 4) Assist in promoting a safe, orderly and stimulating school environment.
- 5) Maintain confidentiality about all personal information and educational records concerning staff, students and their families.
- 6) Report any school-related safety concerns to a building administrator for resolution.
- 7) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.

Expectations for the Building Administrators:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Organize school schedules and teaching assignments, which promote effective classroom management and instruction.
- 2) Ensure parents, students, teachers, support staff, teacher aides, and building staff know the District and building level educational and academic goals.
- 3) Be fair, firm and consistent in all decisions affecting students, parent and staff.
- 4) Promote a successful teaching and learning environment by fostering a safe, orderly and academically stimulating school environment.
- 5) Ensure that students and staff have the opportunity to communicate regularly with the Building Principal regarding any school related matters.
- 6) Support the development of and student participation in appropriate extracurricular activities.
- 7) Be responsible for students, parents and staff knowing and understanding the Code of Conduct. Students will be provided a summary of the code of conduct in the respective student handbooks.
- 8) Be knowledgeable of and be able to apply effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques and assure their utilization in the building/discipline plan.
- 9) Ensure that a building-wide positive behavior intervention system is created, supported and enforced to meet the needs of students enrolled in their building.
- 10) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 11) Demonstrate by work and personal example dependability, integrity, self-discipline and respect for law.
- 12) Adhere to the District's administrative policies, regulations and procedures.
- 13) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.

Expectations for the Superintendent and District Administrators:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Promote a safe, orderly and academically stimulating school environment, supporting active teaching and learning.
- 2) Review with administrators the policies of the Board and state and federal laws relating to school operations and management.
- 3) Ensure the Board, administration, parents, students, teachers, support staff, teacher aides, and building staff know the District's educational and academic goals.
- 4) Inform the Board about educational trends relating to student discipline.
- 5) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
- 6) Demonstrate by work and personal example dependability, integrity, self-discipline and respect for law.
- 7) Adhere to the District's administrative policies, regulations and procedures.

- 8) Be responsible for principals, teachers, students, parents and staff knowing and understanding the Code of Conduct.

Expectations for Board of Education:

Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner by:

- 1) Collaborate with all stakeholders to develop and support a Code of Conduct that defines expectations for the conduct of students, district personnel and visitors, including, but not limited to vendors, contractors and volunteers, on school property and at school functions.
- 2) Collaborate with the Superintendent of Schools to review and evaluate the Code's effectiveness, fairness, consistency of its implementation and have the Superintendents advise the Board regarding any proposed additions or changes deemed necessary.
- 3) Maintain a climate of mutual respect and dignity with all staff and employees.
- 4) Demonstrate by work and personal example dependability, integrity, self-discipline and respect for law.
- 5) Adhere to the District's administrative policies, regulations and procedures.
- 6) Be responsible for superintendent, administration, principals, teachers, students, parents and staff knowing and understanding the Code of Conduct.

STUDENT DRESS CODE/APPROPRIATE LANGUAGE/ RESPECTFUL BEHAVIOR

Dress Code:

The Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance in the school setting. Teachers and all other personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

- 1) Be safe, appropriate and not present a health or safety hazard to the student or others in the school.
- 2) Not create a distraction that interferes with the educational process. Examples will be included in respective building student handbooks.
- 3) Ensure that undergarments are covered with outer clothing.
- 4) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- 5) Not include headwear in the classroom except for a medical or religious purpose.
- 6) Not promote death, suicide, torture, or any symbols, pictures or language that materially and substantially interfere with the orderly process of the school or the rights of others.
- 7) Not represent membership in a gang that disrupts or threatens to disrupt the educational process.
- 8) Not include items that are sexually explicit, vulgar, obscene, libelous, or which denigrate others on account of race, color, weight, religion or religious practice, sex, sexual orientation, gender, gender identity, national origin, ethnic group, political affiliation, age, marital status, military status, or disability.
- 9) Not promote and/or endorse the use of alcohol, tobacco products, banned products, or illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs and/or encourage other illegal or violent activities.

Each Building Principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and whenever a revision to the dress code is made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including school suspension. Any student who repeatedly fails to comply with the dress code shall be subject to further disciplinary action pursuant to the Code of Conduct.

Appropriate Language:

All students are expected to use appropriate and respectful language while on school property and when attending school functions. Language must not be profane, obscene, offensive, or vulgar. Language must not denigrate others on account of race, age, political affiliation, military status, veteran status, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, religion, creed, national origin, gender, or disability and must demonstrate respect for self and others at all times.

Respectful Behavior:

Students are expected to behave with dignity and treat their peers, teachers and school staff with respect and courtesy. Individual behavior should not interfere with the rights of others. Obscene gestures will not be tolerated.

Teachers and all other School District personnel should exemplify and reinforce acceptable student dress and behavior (including appropriate use of electronic communication devices) and help students develop an understanding of appropriate appearance and conduct in the school setting

PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community as well as school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do such and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Disciplinary measures may also be taken for incidents involving harassment, bullying, and/or discrimination.

Students are subject to disciplinary action, up to and including suspension from school, when they participate in any of the behaviors listed below.

Disorderly, Reckless, Disruptive or Insubordinate conduct, including but not limited to the following behaviors:

- 1) Engaging in any willful act which disrupts the normal operation of the school community.

- 2) Running in hallways.
- 3) Making unreasonable noise.
- 4) Horseplay (i.e., shoving, tripping, kicking).
- 5) Creating or instigating a hazardous or physically offensive condition.
- 6) Using profane, lewd, vulgar or abusive language or gestures.
- 7) Obstructing vehicular or pedestrian traffic.
- 8) Trespassing (Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building).
- 9) Failing to comply with the lawful directions/reasonable requests of teachers, school administrators or other school employees in charge of students, including substitutes, or otherwise demonstrating disrespect.
- 10) Lateness for class.
- 11) Disruptive behavior in class, the cafeteria or other school areas or during school functions.
- 12) Intentionally damaging or destroying School District property, including, but not limited to bypassing network security, installing viruses on school computers or the school network.
- 13) Misusing computer/electronic communication devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the Lackawanna City School District' Acceptable Use Policy.
- 14) Unauthorized use of personal electronic devices/equipment (i.e.: cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration. Pre-K-8th grades: the use of personal electronic devices of any kind are prohibited. Grades 9-12 no cell phone use is permitted in instructional or testing settings unless directed by the teacher. Cell phones must be set in silent mode. Cell phone use is permitted in the:
 - Hallway only during passing time (not during instructional time once classes are underway).
 - Cafeteria during breakfast and lunch
 - The use of other electronic devices in the classroom is the discretion of the teacher and by individual building procedures. If any cell phone or electronic devices are seen or used without teacher permission, progressive discipline will be enforced.
- 15) Inciting a riot.

Violent conduct, including but not limited to the following behaviors:

- 1) Committing or attempting an act of violence, including fighting, physical assault, or physical confrontation such as hitting, kicking, punching, and scratching, upon another student, teacher, administrator, school employee, or any other person lawfully on school property.
- 2) Possessing a weapon. Only authorized law enforcement officials are permitted to have a weapon in their possession while on school property or at a school function.
- 3) Displaying what appears to be a weapon.
- 4) Threatening to use any weapon.
- 5) Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including, but not limited to contractors, vendors and volunteers.
- 6) Intentionally damaging or destroying School District property, including graffiti.
- 7) Inciting a riot.

Conduct endangering the safety, morals, health or welfare of others, including but not limited to the following behaviors:

- 1) Planning and/or implementing an act that endangers the safety, morals, health or welfare of others (i.e., arson, terrorist threats, bomb threats, false alarms, etc.).
- 2) Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- 3) Inappropriately using or sharing prescription and over-the-counter drugs.
- 4) Attending school or any school function, or appearing on school property, under the influence of alcohol, drugs or other controlled substances.

- 5) Selling, using or possessing weapons, fireworks, explosives, or other dangerous instruments or contraband.*
- 6) Stealing property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 7) Extortion.
- 8) Defamation - making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This conduct includes, but is not limited to, the posting or publishing, by means of video, audio recordings, photos, and/or written material to or from cell phones, computers and other electronic devices to the Internet, YouTube, etc.).
- 9) Discrimination - the use of race, age, military status, veteran status, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another person in a negative manner.
- 10) Harassment/Bullying – sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or perceived by a reasonable person to be ridiculing or demeaning.
- 11) Sexual Harassment- includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature. See Lackawanna City School District Policy on Sexual Harassment. Retaliation is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.
- 12) "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, websites, chat rooms, and text messaging, when such use interferes with the operation of the school and/or infringes upon the general health, safety and welfare of students or employees of the School District.
- 13) Intimidation - engaging in actions or threatening statements that put an individual in fear of bodily harm.
- 14) Hazing - any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- 15) Selling, using or possessing or distributing obscene material.
- 16) Using vulgar or abusive language, cursing or swearing.
- 17) Possessing and/or using tobacco, tobacco/nicotine products, e-cigarettes and/or associated paraphernalia including, but not limited to lighters and matches. Tobacco/nicotine/e-cigarette/vapor use shall not be permitted within the school as well as one hundred (100) feet of the entrances, exits, or outdoor areas of any of our schools. Possession of such items will result in confiscation from the student and will not be returned.
- 18) Lying to school personnel.
- 19) Gambling and gaming, including accessing internet gambling.
- 20) Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- 21) Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- 22) Inciting a riot.

*** The possession of weapons of any kind will be very severely dealt with and could include the request for a Superintendent's hearing. In addition to firearms, weapons can be defined as knives (Boy Scout, Swiss Army Knives, etc.), all martial arts weapons, or any equipment that is used as a weapon (bats, sticks, etc.)**

Bus misconduct:

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

Academic/Attendance Issues:

- 1) Unexcused absence.
- 2) Tardiness, missing or leaving class or school without permission or excuse.
- 3) Skipping detention.
- 4) Computer/electronic communication devices misuse, including but not limited to, any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.
- 5) Cheating, copying, using unauthorized help sheets, illegally obtaining test in advance, plagiarism or altering records, or forgery.
- 6) Assisting another student in the actions listed in 5) above.

Refer to the District Comprehensive Student Attendance Policy:**Violations of Public Order on School Property, including but not limited to the following behaviors:**

- 1) Loitering.
- 2) Misconduct on the school bus.
- 3) Unauthorized entry to or loitering in any District building.
- 4) Misuse of a motor vehicle on school property.
- 5) Intentionally damaging or destroying School District property.
- 6) Vandalism, graffiti or arson.

Students are to refrain from bringing to school any items that are not needed for instructional or medical purposes. These include, but are not limited to, various electronic devices. During school hours these items may be confiscated and appropriate disciplinary measures taken.

NOTE: Individual buildings may develop additional behavioral guidelines in their Student Handbook.

Digital Learning & Citizenship

The Code of Conduct applies to digital learning. The following provides expectations on digital citizenship that students are expected to follow while learning and interacting digitally both remotely and on campus.

A. Students have a responsibility to:

1. Attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and understand that you have a right to an education, whether remote or in-person.
2. Be aware of all rules and expectations regulating a student's behavior and conduct oneself in accordance with these guidelines, including while learning and interacting online.
3. Treat others fairly and in a manner that fosters an environment that is free from intimidation, harassment, or discrimination, in accordance with the District Code of Conduct and the provisions of the Dignity Act.
4. Express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
5. Report, and encourage others to report, any incidents of intimidation, harassment or discrimination.
6. Be open to hearing and respectfully recognizing multiple viewpoints and will engage with others online with respect and empathy.
7. Give full attention to instructional activities and minimize distractions, such as messaging, social networking, or video conferencing with others.

8. Be conscious of your digital footprint; think and edit before you hit the “send” or “post” button.
9. Dress appropriately in accordance with the Student Dress Code, so as not to endanger physical health and safety, limit participation in school activities or be unduly distracting. Acceptable student appearance supports a safe and positive learning environment, while minimizing distractions throughout remote learning.
10. Establish an appropriate setting when participating in video-conferencing sessions. Such a setting will include a background free from distractions and inappropriate conduct that would otherwise be subject to the contents of the code of conduct.
11. Understand that you are responsible for the online safety and privacy of your classmates; keeping meeting and classroom links private and only joining classes and meetings you are invited to.
12. Turn on your device camera as requested for attendance and participation purposes. Teachers will provide specific instructions for when cameras are not required during a lesson. Some students may be eligible for an exemption or flexibility to this responsibility; however, they will be required to participate using the chat feature or discussion boards in order to verify their continued attendance in the class.

B. Acceptable Use of Information Technology:

Lackawanna City School District provides devices and networks for academic use. Lackawanna will continue to be committed to keeping our student and staff data private and secure with our own protocols as well as following the guidelines set forth in Federal Laws, NYS Education Law § 2-d, and Part 121 of the Commissioner’s Regulations. Lackawanna monitors its devices and networks, in accordance with the Child Internet Protection Act (CIPA) and has safeguards to protect information as it is stored, transmitted, and displayed. Students should have no expectation of privacy when using district devices and networks.

Remote learning and online learning platforms are an extension of the classroom. Students are expected to follow all established school and classroom rules and expectations. Lackawanna reserves the right to suspend account access for students demonstrating inappropriate online behavior and investigating student content on District accounts, devices, and media platforms.

C. While using a District device or platform, students have the responsibility to:

1. Protect their digital identity; only use their assigned ID and password and not share it with others.
2. Have an understanding of and respect for the rights and obligations of using and sharing intellectual property; abide by copyright restrictions and Fair Use, cite resources, gaining or giving permission to use (content), avoid plagiarism, understand and use Creative Commons resources.
3. Understand that only district-approved, vetted educational software may be installed with permission from district staff. All copyright, licensing and national, state, and local regulations must be adhered to with regards to downloading and distributing software.
4. Respect the security systems and abide by the features in place to protect, monitor, or restrict access to information.
5. Respect district physical technological equipment (including devices, network and peripherals) ensuring that they remain unmodified, free from damage, and are available for inspection upon request.
6. Report any loss, theft, damage, or unauthorized use of a device or network immediately.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to any teacher, school counselor, school support staff, District staff members, and/or the Building Principal/designee or his or her designee. Other means of communicating concerns will be encouraged. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, Building Principal/designee or the Superintendent.

All District staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff that is not authorized to impose disciplinary sanctions is expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible. The parent of the student involved will be notified immediately and appropriate disciplinary sanctions taken which may include permanent suspension and referral for prosecution.

The Building Principal/designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal/designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct that constituted a crime.

STUDENT DUE PROCESS, PROGRESSIVE DISCIPLINE/PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- 1) The student's age.
- 2) The nature of the offense and the circumstances which led to the offense.
- 3) The student's prior disciplinary record.
- 4) The effectiveness of other forms of discipline.
- 5) Information from parents, teachers and/or others, as appropriate
- 6) Other extenuating circumstances.

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.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Student Due Process:

The amount of due process a student is entitled to receive before a penalty is imposed depends upon 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 school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

Progressive Discipline/Procedures:

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- 1) Oral warning: any member of the District staff
- 2) Written referrals: bus drivers, hall and lunch monitors, coaches, school counselors, teachers, administrators
- 3) Written notification to parent: teacher, coaches, school counselors, administrators
- 4) Detention: teachers, administrators
- 5) Suspension from transportation: School and/or District Administrators
- 6) Suspension from athletic participation: coaches, faculty manager, administrators
- 7) Suspension from social or extracurricular activities: activity director/advisor/coordinator, administrators

- 8) Suspension of other privileges: administrators
- 9) In School Suspension: administrators
- 10) Removal from classroom by teacher: teachers, Principal/designee
- 11) Short-term (five days or less) suspension from school: Principal, Superintendent, BOE
- 12) Long-term (more than five days) suspension from school: Superintendent, BOE
- 13) Permanent suspension from school: Superintendent, BOE.

Detention

Teachers, Principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Building Principal's attention in writing. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Students with disabilities will be suspended from bus privileges only in accordance with law.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Principal/designee to discuss the conduct and the penalty involved.

Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges based on the District's Academic Eligibility Policy or other behaviors is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

In-School Suspension (ISS)

The Board 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 Board authorizes Building Principals/designees to place students who would otherwise be disciplined as result of a Code of Conduct violation in "in-school suspension."

A student subjected to an in-school suspension 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 Building Principal imposing the "in-school suspension" to discuss the conduct and the penalty involved.

Teacher Disciplinary Removal of Disruptive Students

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 such as these do not constitute disciplinary removals for purposes of this Code of Conduct.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who substantially interferes with the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being formally removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher formally remove a student from class.

Formal Removal from Class

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. If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day.

- a) Teacher submission of District form: The teacher must complete a District form for a formal removal and meet with the Principal/designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the formal removal and to present the form. If the Principal/designee is not available by the end of the same day, the teacher must leave the form with the secretary and meet with the Principal/designee prior to the beginning of classes on the next school day.
- b) Parental notification: Within 24-hours after the student's formal removal from class, the Principal/designee must notify the student's parents in writing that the student has been formally removed from the class and the reason(s) why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal/designee to discuss the reason(s) for the formal removal.

The written notice must be delivered to the last known address of the parents through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal by a teacher. If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day. When possible, notice should also be provided by telephone.

- c) The Informal Meeting: The informal meeting must be held within 48 hours of the student's formal removal by a teacher. If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the informal meeting may be extended by mutual agreement of the parent and the Principal. The teacher who ordered the formal removal may be required to attend.

If at the informal meeting the student denies the charges, the Principal/designee must explain why the student was formally removed and give the student and the parent a chance to present the student's version of the relevant events.

- d) Overturning formal removals: The Principal/designee may overturn the formal removal of the student from class if any one of the following is found:
 1. The charges against the student are not supported by substantial evidence.
 2. The student's formal removal is otherwise in violation of law, including the District's Code of Conduct and/or federal or state laws regarding the education of students with disabilities.
 3. The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

The Principal/designee may overturn a formal removal by a teacher at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48- hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of the formal removal expires, whichever is less.

- e) Continuation of educational services: Any disruptive student who is formally removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by a certified teacher in an alternate setting until the student is permitted to return to the classroom.
- f) Repeated Removals: Any student removed from a class four or more occasions during a semester will be subject to suspension from school for a minimum of one day.
- g) Removal of a student with a disability: The removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from class until such removal has been verified with the Principal or the Chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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 Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention.

In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension, or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

1) Short-term (5 days or less) suspension from school:

Parental notification: Within 24-hours after the student's short-term suspension, the Principal/designee must notify the student's parents in writing that the student has been formally removed from school and the reason(s) why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal/designee to discuss the reason(s) for the formal removal.

The written notice must be delivered to the last known address of the parents through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal by a teacher. If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day. When possible, notice should also be provided by telephone.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended 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. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision informing the parent of the outcome of the appeal and their right to appeal to the Board of Education. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

2) Long-term (more than 5 days) suspension from school:

Parental notification: Within 24-hours after the student's long-term suspension, the Principal/designee must notify the student's parents in writing that the student has been formally removed from school and the reason(s) why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal/designee to discuss the reason(s) for the formal removal.

The written notice must be delivered to the last known address of the parents through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal by a teacher. If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day. When possible, notice should also be provided by telephone.

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

The Superintendent shall issue a written decision informing the parent of the outcome and their right to appeal to the Board of Education. If the parents are not satisfied and appeal the decision of the Superintendent, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

3) Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as when 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.

4) Minimum periods of suspension and other extenuating circumstances.

a. Students who bring or possess a firearm on school property as defined by the Gun Free Schools Act: *A student found guilty of bringing a firearm onto school property will be subject to suspension from school for at least one calendar year. Students with disabilities will be suspended only in accordance with the requirements of New York State and Federal law.* Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The Superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.

b. Students who commit violent acts including bringing a weapon to school other than a firearm as defined by the Gun-Free Schools Act: *A student, who is found to have committed a violent act, including bringing a weapon onto school property, other than a firearm as defined by the Gun-Free Schools Act, shall be subject to suspension from school for at least five days. Students with disabilities will be suspended only in accordance with law.* If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

c. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: *Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. Students with disabilities will be suspended only in accordance with law.* For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Referrals

- 1) **Counseling**
The Social Workers or School Counselors shall handle all referrals of students for counseling.
- 2) **PINS Petitions**
On behalf of the District, the District's Attendance Teacher may file a PINS (person in need of supervision) petition in Family Court for any student under the age of 18 who demonstrates that he or she requires supervision and treatment by exhibiting any of the following behaviors:
 - a. Being a habitually truant and not attending school as required by Education Law Article 65, Part 1;
 - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school; or
 - c. Knowingly and unlawfully possessing marijuana in violation of Penal Law Section 221.05.
- 3) **Juvenile Delinquents and Juvenile Offenders**
The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - a. Any student under the age of 16 who is found to have brought a weapon to school; or
 - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law Section 1.20(42).
 - c. The Superintendent is required to refer students age 17 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or when a student of compulsory attendance age is suspended from school pursuant to Education Law Section 3214, the District will take immediate steps to provide alternative means of instruction for the student.

CORPORAL PUNISHMENT / EMERGENCY INTERVENTIONS

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- 1) Protect oneself, another student, teacher or any person from physical injury.
- 2) Protect the property of the school or others.
- 3) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties if that student refuses to refrain from further disruptive acts.

Emergency Interventions

The Lackawanna City School District holds the belief that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students occupied with work that is meaningful, interesting and challenging is the best means of preventing disruptive behavior by students. The Board recognizes, however, that under certain circumstances, a classroom teacher, teacher aide, student support service personnel, supervisor or administrator may find it necessary to resort to reasonable and prudent physical restraint in maintaining order in or on school premises.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

In situations when a school employee uses physical force against a student, the school employee shall, make an immediate verbal report of the situation to the Building Principal or Supervisor/designee with the written report to follow within 48-hours. The Building Principal or Supervisor/designee shall, within the same school day, make an immediate verbal report to the Superintendent/designee describing in detail the circumstances and the nature of the action taken with the written report to follow within 48-hours.

The School District will maintain documentation on the use of emergency interventions for each student including:

- Name and date of birth of student;
- Setting, location, date and time of the incident;
- Name of staff or other persons involved;
- Description of the incident and emergency intervention used, including duration;
- A statement as to whether the student has a current behavioral intervention plan, and;
- Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by School District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations.

STUDENT SEARCHES AND INTERROGATIONS

Searches

The Board authorizes the Superintendent and building administrators to conduct searches of students and their belongings **only** if the authorized school official has **reasonable suspicion** to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

District security officials may conduct searches only with prior authorization from administration.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion so long as the school official has a legitimate reason for such a search.

Reliable informants: An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have:

- 1) Previously supplied information that was accurate and verified;
- 2) They make an admission against their own interest;
- 3) They provide the same information that is received independently from other sources, or;
- 4) They appear to be credible and the information they are communicating relates to an immediate threat to safety.

District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to have the student admit that he/she possesses physical evidence that they violated the law or the District Code of Conduct, or have the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Student Lockers, Desks and Other School Storage Places

Student lockers, desks and other school storage places, including student data files and other electronic storage areas of the District's computerized information resources, are provided by the school for student use and may be subject to search at any time by school officials without prior notice to students and without their consent.

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to these areas and students have no reasonable expectation of privacy with respect to them. A student may have exclusive use of a locker as far as other students are concerned, but he/she does not have such exclusivity over the locker as it relates to school authorities.

Personal Searches

A personal search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a personal search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the School Attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Personal searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a personal search must have probable cause – not simply reasonable suspicion – to believe the student is concealing evidence of a violation of law or the District Code of Conduct. In addition, before conducting a personal search, the school official must consider the nature of the alleged violation, the student's age, the student's record, and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a personal search. If the parent is not able to be reached, written notification will be sent following the search.

Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- 1) Name, age and grade of student searched.
- 2) Reasons for the search.
- 3) Name of any informant(s).
- 4) Purpose of search (that is, what item(s) were being sought).
- 5) Type and scope of search.
- 6) Persons conducting search and his or her title(s) and position(s).
- 7) Witnesses, if any, to the search.
- 8) Time and location of search.
- 9) Results of search (that is, what items(s) were found.)
- 10) Disposition of items found.
- 11) Time, manner and results of parental notification.

The Building Principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal/designee shall clearly label each item taken from the student, retain control of all confiscated items and be personally responsible for delivering such items to police authorities.

Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials **must** explain to a student why he/she is being questioned.

Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- 1) A search or an arrest warrant;
- 2) Probable cause to believe a crime has been committed on school property or at a school function, or;
- 3) Been invited by school officials.

Before police officials are permitted to question or search any student, the Building Principal/designee shall first try to notify the student’s parent to give the parent the opportunity to be present during the police questioning or search. If the student’s parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal/designee will also be present during any police questioning or search of a student on school property or at a school function and, if possible, questioning should take place in a private area.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- 1) They must be informed of their legal rights.
- 2) They may remain silent if they so desire.
- 3) They may request the presence of an attorney

Child Protective Services Investigations

Consistent with the District’s commitment to keep students safe from harm, it is the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated. The District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to Building Principal/designee. The Principal/designee shall set the time and place of the interview. The Principal/designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending upon the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or District official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent’s consent.

VISITORS TO THE SCHOOLS

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal/designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- 1) Anyone who is not a regular staff member or student of the school will be considered a visitor.
- 2) All visitors to the school must report to the office of the Principal/security desk upon arrival at the school. There they will be required to sign the visitor's register. The visitor must sign out before leaving the building.
- 3) Visitors attending school functions **(including but limiting those before-during-after and off school property)** that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- 4) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and the Building Principal/designee in accordance with building procedures so that class disruption is kept to a minimum.
- 5) Teachers are expected not to take class time to discuss individual matters with visitors.
- 6) Any unauthorized person on school property shall be reported to the Principal/designee and asked to leave. Police may be called if the situation warrants.
- 7) **All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.**

PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the District Code of Conduct, "public" shall mean all persons when on school property or attending a school function including but not limited to students, teachers, vendors, contractors, volunteers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code of Conduct are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the School District. The purpose of this section is to outline proper conduct for the maintenance of public order and the prevention of abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are present on school property.

Prohibited Conduct

No person, either alone or with others, shall:

- 1) Intentionally injure any person or threaten to do so.
- 2) Make threats of violence, verbal or gestures.
- 3) Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- 4) Disrupt the orderly conduct of classes, school programs or other school activities.
- 5) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

- 6) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, or disability, political affiliation, sex, sexual orientation, marital status, military status, veteran status, or use of a recognized guide dog, hearing dog or service dog.
- 7) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- 8) Obstruct the free movement of any person in any place to which this Code applies.
- 9) Violate the traffic laws, parking regulations or other restrictions on vehicles.
- 10) Possess, consume, sell, distribute or exchange alcoholic beverages, illegal substances and/or controlled substances, or be under the influence of either on school property or at a school function.
- 11) Possessing and/or using tobacco, tobacco/nicotine products, e-cigarettes and/or associated paraphernalia including, but not limited to lighters and matches. Tobacco/nicotine/e-cigarette/vapor use shall not be permitted within the school as well as one hundred (100) feet of the entrances, exits, or outdoor areas of any of our schools. Possession of such items will result in confiscation from the student and will not be returned.
- 12) Possess or use weapons on school property or at a school function, except in the case of law enforcement officers.
- 13) Loiter on or about school property.
- 14) Gamble on school property or at school functions.
- 15) Refuse to comply with any reasonable order of any school officials performing their duties.
- 16) Willfully incite others to commit any of the acts prohibited by this Code.
- 17) Use inappropriate language.
- 18) Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

Penalties

Persons who violate this Code shall be subject to the following penalties:

- 1) Visitors shall be subject to immediate ejection and, as the facts may warrant, suspended from being allowed on the premises of all school buildings and grounds for some period of time. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of determination.
- 2) Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- 3) Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.
- 4) Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law Section 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- 5) Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

Enforcement

The Building Principal/designee shall be responsible for enforcing the conduct required by this Code of Conduct.

When the Building Principal/designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the Principal/ designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal/designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal/designee shall have the individual removed immediately

from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, within the “Penalties” section above. In addition, the District reserves its right to pursue civil or criminal legal action against any person violating the District Code of Conduct.

DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this District Code of Conduct by:

- 1) Providing copies of a summary of the District Code of Conduct to all students at a general assembly held at the beginning of each school year.
- 2) Making copies of the full version of the District Code of Conduct available to all parents at the beginning of the school year.
- 3) Mailing a summary of the District Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
- 4) Providing all current teachers and other staff members with a full version copy of the District Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption.
- 5) Providing all new employees with a copy of the current District Code of Conduct when they are first hired.
- 6) Making copies of the District Code of Conduct available for review by students, parents and other community members at any time.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this District Code of Conduct every year and update it as necessary in accordance with law. In conducting the review, the Board will consider how effective the Code’s provisions have been and whether the Code has been applied fairly and consistently.

The Board shall appoint an advisory committee to assist in reviewing the Code and the District’s response to Code of Conduct violations. The committee shall be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

REMOVAL OF DISRUPTIVE STUDENT BY TEACHER

Definition (from New York State Education Law Section 3214 and Project SAVE—Safe Schools Against Violence in Education)

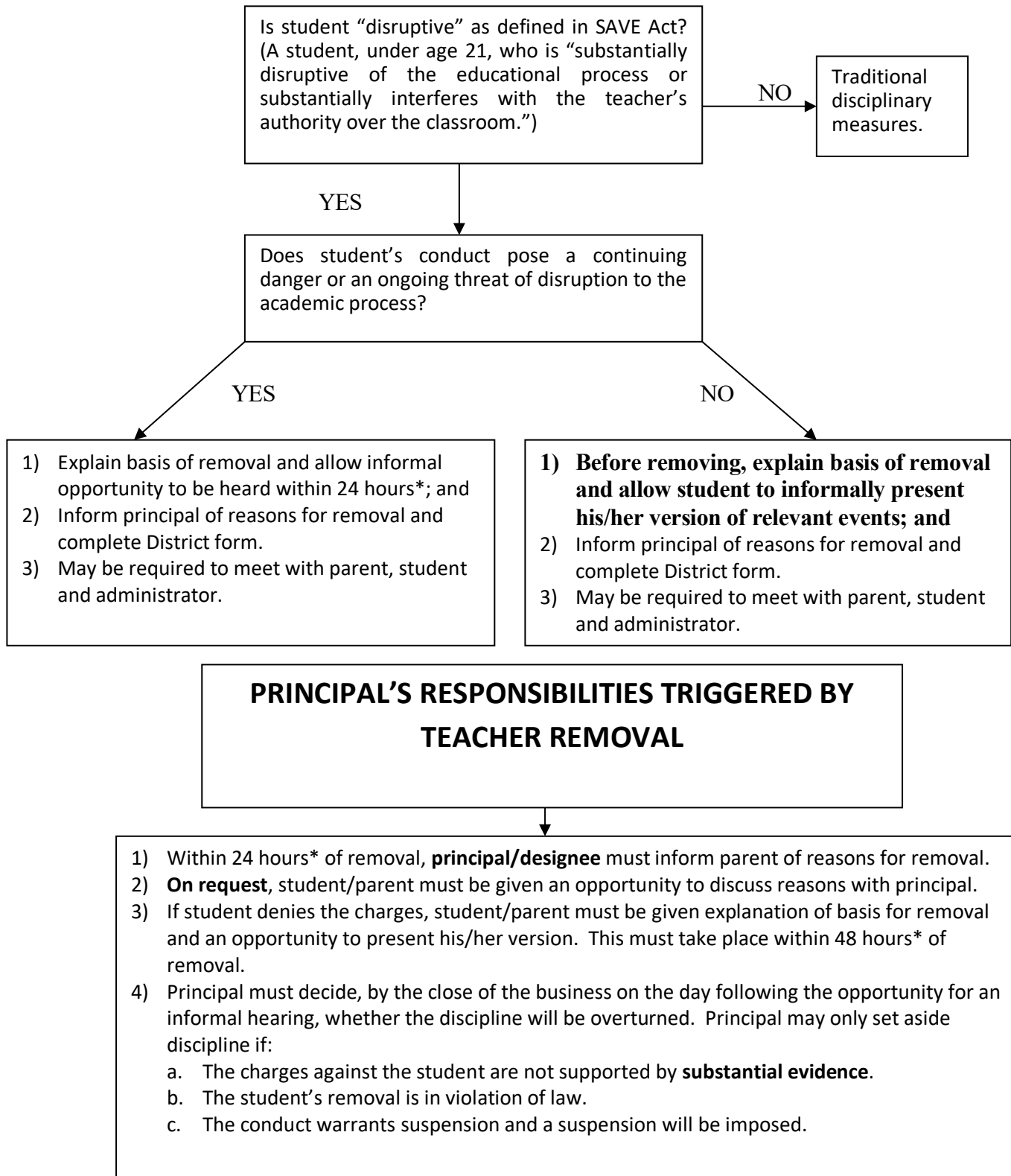
“Disruptive pupil. A disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.”

Guidance from NYSUT on Teacher Removal of Disruptive Students

A teacher's decision to remove a disruptive student may not be overturned by a principal unless: The charges are not supported by substantial evidence; The conduct is severe enough to warrant suspension from school and a suspension is imposed; or The student's removal is in violation of law.

The statute and regulation do not define the term "substantially disruptive." A suggested guideline is that a student could be considered substantially disruptive if the student continues to impede the teaching and learning process or interferes with the teacher's authority over the classroom, following the teacher's attempt to modify the student's behavior (depending upon the severity of the behavior a teacher could remove a student without attempting to implement a behavior management strategy).

REMOVAL OF DISRUPTIVE STUDENT BY TEACHER



*If such time period does not end on a school day, it shall be extended to the corresponding time on the next school day.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Building principals should be fully aware of a student's past disciplinary actions as well as the nature of the student's disability before determining whether a suspension should be imposed for improper conduct committed by a student with a disability. Records should be maintained documenting any prior suspension including any instances where a student is sent home for disciplinary purposes (which constitutes a suspension). Disciplinary records must be maintained for the purpose of determining whether cumulative suspensions constitute a pattern of misconduct, which might trigger certain due process rights. As set forth in the procedures below, issues regarding the misconduct of a student with a disability should be addressed through the Committee on Special Education (CSE). But for exceptional circumstances, a student with a disability should not be suspended for greater than three days. Building principals should be mindful of the fact that a student's disability may, in some circumstances, be the cause of such misconduct and the rules and procedures specified below should be strictly adhered to. Any removal from school for disciplinary purposes constitutes a suspension whether or not a parent agrees to remove his/her child. State and federal laws require the building principal make a case by case determination when making disciplinary decisions for students with disabilities.

Short Term Suspensions

Procedures applicable to all students (disabled¹ and non-disabled)

1. Definition

A short-term suspension is defined as a suspension of five school days or less, *in-school or out-of-school*, imposed by a Building Principal. The Building Principal can impose an in-school or out-of school suspension up to five days by the school conduct and discipline policy.

2. Notification

Students and their parents are entitled to certain due process rights.

On the day of suspension, the student must be given verbal or written notice of the specific charges, and an explanation of the evidence and an opportunity to present his/her explanation to an administrator. The building administrator will document a verbal notice of suspension for any student.

The student's parent/legal guardian must be notified immediately by telephone, or in person of the student's suspension and related circumstances. Such notice must be followed by receipt of written notice within 24 hours of the suspension at the last known address of the parent. The building administrator will document all telephone contacts made to parents regarding suspensions.

Such notice must be provided by personal delivery, express mail delivery or equivalent means reasonably calculated to assure receipt within 24 hours.

¹ Unless otherwise specified below, these rules apply to all students with disabilities, whether identified as "special education" or "section 504" students. A "special education" student includes a student identified by the CSE or suspected to be a student with a disability in need of special education and related services (as defined in Section VII, "Long-Term Suspensions of Students with Disabilities").

Such notice shall provide a description of the incident(s) which resulted in the suspension and the parent's right to request an informal conference with the Principal. Such notice shall be in the dominant language or mode of communication used by the parent.

3. Conferences

The parent, upon request, must be given the opportunity for an immediate informal conference with the Principal at which time he/she may be allowed to ask questions of complaining witnesses.

The student must be readmitted the next school day following the prescribed period of suspension whether or not the parent exercises his/her right to an informal conference. The Building Principal may not require a conference with a parent as a condition of re-admittance to school.

4. Alternative Instruction

During any short-term suspension, the student must be provided with immediate alternative instruction.

Immediate steps must be taken to provide the student with alternative instruction which is usually by the second day of suspension.

Regardless of their entitlement to immediate alternative instruction, continuing educational services must be provided for students with disabilities who are suspended beyond 10 school days in a given school year; cumulative or consecutive (see **“Long-Term Suspensions of Students with Disabilities”**-- Sections 3, 4, & 7.)

Truancy

A student may not be suspended for truancy. However, a student may be placed in “in-school” suspension (ISS) to compel his/her attendance.

A student with a disability who demonstrates a pattern of truancy should be referred the CSE/504 Team as appropriate. The CSE/Section 504 Team shall determine whether the student's IEP is appropriate and make any changes appropriate to encourage his/her attendance. If the student's IEP/504 Plan is appropriate, then other procedures available for truant students may be used as a consistent with applicable State and Federal Law.

Long-Term Suspensions of Students with Disabilities*

1) Notice

If the Principal/designee recommends to the Superintendent an additional period of suspension (in excess of 5 school days), a Superintendent's hearing must be scheduled and the parent must be notified of the Principal's decision and of all applicable procedural safeguards and due process rights. Such notification shall be made by telephone, if possible, on the date of the Principal's decision, and by written notice sent by express mail or delivered on that date.

* Unless otherwise specified below, these rules apply to all students with disabilities, whether identified as “special education” or “section 504” students. A “special education” student includes a student identified by the CSE or suspected to be a student with a disability in need of special education and related services (as defined in Section 6 below).

2) **Manifestation Determination (“Nexus”) Inquiry.**

a. **When Manifestation Determination must be conducted?**

If the student with a disability is determined, as a result of a Superintendent’s hearing, to be guilty of misconduct, and a recommendation of suspension from school in excess of ten consecutive school days is being considered, before making such a recommendation, the Superintendent (or his/her designee) must first refer the student to the CSE or 504 Team (as appropriate) to conduct a manifestation determination. If the Superintendent (or his/her designee) determines that a suspension or removal that would exceed ten consecutive days should not be considered, the hearing shall proceed to the penalty phase (without referring the student for a manifestation determination).

If the student with a disability is suspended for a series of removals which constitute a pattern of exclusion of more than 10 school days in a school year, the Principal of Special Education, Building Principal/designee shall refer the student to the CSE or 504 Team (as appropriate) for a manifestation determination as described above.

Such manifestation determination/nexus inquiry must take place immediately, if possible, but no later than within 10 school days after the decision was made to take disciplinary action.

In no event may a student with a disability be suspended beyond 10 consecutive school days (or beyond a series of removals which constitute a pattern of exclusion of more than 10 school days in a school year) until a manifestation determination has been conducted. In such case, the student shall remain in his/her current educational placement unless the parent and the Principal of Special Education mutually agree to the student remaining in an alternative placement.

b. **How Manifestation is to be Determined**

Before the CSE/504 Team acting as a manifestation (“nexus”) team can determine whether the behavior was or was not a manifestation of the student’s disability, the CSE/504 Team must first

review all relevant information in the student’s file, including the student’s IEP, any teacher observations and any relevant information provided by the parents. The CSE/504 Team must then determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or if the conduct in question was the direct result of the school district’s failure to implement the IEP/504 Plan. If the answer to either question is yes, the behavior must be considered a manifestation of the student’s disability. If during the manifestation (“nexus”) review the CSE/504 Team identifies any deficiencies in the IEP/504 Plan or its implementation or in the student’s placement, it shall take immediate steps to remedy such deficiencies.

The results of the CSE/504 Team’s manifestation determination shall be maintained in the student’s special education file and a copy shall be sent to the Building Principal.

i. **Manifestation (“Nexus”)**

If the CSE/504 Team determines that there is a manifestation (“nexus”):

- a) A suspension may not continue beyond 10 school days.
- b) The student must be returned to the original placement from which the student was removed (“stay-put” placement) unless the person(s) in parental relation and the District agree to a change in placement to an alternative setting.
- c) The CSE or 504 Team (as appropriate) must conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) if one was not implemented before the behavior occurred. If the student already has a BIP, the CSE/504 Team is required to review and modify such plan as necessary to address the behavior. At

this same meeting or at a subsequent meeting, the CSE/504 Team may consider the appropriateness of the IEP and recommend changes.*

If the parent of a special education student challenges a determination by the CSE to change the student's placement, the parent has the right to request an impartial hearing. In that event, the student shall remain in his/her current educational placement until a final determination (including any appeal) has been rendered (unless the parent and the Principal of Special Education mutually agree to the student remaining in an alternative placement, or the District applies the procedures applicable to a dangerous student, as described below).

ii. **No Manifestation ("Nexus")**

If it is determined that the behavior was not a manifestation of the student's disability and the District seeks to order a change in placement that would exceed (10) ten school days;

- a) The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner and for the same duration as would apply to children without disabilities, although it may be provided in an interim alternative educational setting (IAES). In that event, the student shall receive a free appropriate public education (FAPE) as described in 2) below.

*A functional behavioral assessment should be completed and a behavioral intervention plan should be developed by the CSE whenever a student with a disability exhibits behavior that interferes with learning.

- b) When/if a disabled student is suspended beyond 10 days (consecutive or cumulative) in a school year, such student must be provided a FAPE in the IAES. Specifically, the CSE must determine:
 1. The IAES and the extent to which services in the IAES are necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP; and
 2. The student's need to receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services (BIS) and modifications designed to address the behavior violation so that it does not recur.

The CSE/504 Team must transmit its recommendation, together with the student's special education and disciplinary records, to the Superintendent. The Superintendent shall consider all such information in making the final determination of the nature or extent of disciplinary action.

3) **Pendency (Stay-Put)**

If a parent requests a hearing challenging any placement determination related to the disciplinary action or the manifestation determination, an expedited hearing must be completed. Specifically, the resolution meeting must occur within 7 days of receiving notice of the due process complaint. The expedited due process meeting must occur within 20 days of the complaint requesting the hearing. The impartial hearing officer must make a determination within 10 school days after the hearing. Also, no extension to an expedited impartial hearing time line may be granted.

In such event, the child must remain in the interim alternative setting pending the decision of the hearing officer or until expiration of the suspension, whichever comes first, unless the parent and the District agree otherwise.

If the student is a section 504 student and there is a determination of no manifestation (“nexus”) such student may be suspended beyond 10 school days (whether or not the parent requests a hearing) but such student’s placement may not be changed unless or until the section 504 Team has conducted a reevaluation of such student.

4) Discipline of Students Possessing Weapons*or Illegal Drugs or Inflicting Serious Bodily Injury [applicable to special education students]**

* “Weapons” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

**“Serious Bodily Injury” means bodily injury which involves a substantial risk of death, extreme physical impairment; protracted and obvious disfigurement; or protracted loss or impairment of a function of a bodily member or organ or mental faculty.

If, after a Superintendent’s hearing the Superintendent (or his/her designee) determines that a student with a disability is guilty of charges involving the possession of a “weapon” at school or at a school function, or the student knowingly possessed or used “illegal drugs” or sold or solicited the sale of a “controlled substance” while at school or at a school function, or the student has inflicted serious bodily injury upon another while at school or at a school function, the following shall apply:

- a. The Superintendent may order a change in placement to an appropriate interim alternative educational setting for a period of not more than 45 school days, whether or not the behavior is determined to be a manifestation of the student’s disability.
- b. The Superintendent (or his/her designee) shall refer such student to the CSE.
- c. The CSE shall determine the interim alternative educational setting (IAES) necessary to provide the student with a free appropriate public education (FAPE) including: (1) services so as to enable the student to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP; (2) the alternative setting where the services will be provided; (3) the student’s need, as appropriate, for a functional behavioral assessment (FBA) and behavioral intervention services (BIS); and (4) modifications that are designed to address the behavior violation so that it does not recur.

(1) Manifestation (“Nexus”)

The CSE acting as a manifestation (“nexus”) team shall conduct a manifestation determination (“nexus” inquiry) as described in the procedures above.

- a. If the CSE, acting as a manifestation (“nexus”) team, determines that there is manifestation (“nexus”), the student shall return to his/her previous educational placement at the expiration of the 45 school day interim

placement, unless the parent and the school district agree to a change of placement as part of the modification of the behavior intervention plan.

The CSE must also conduct a functional behavioral assessment and implement a behavior intervention plan, if it did not do so before the behavior occurred. If the child already has a behavior intervention plan, the CSE is required to review and modify such plan as necessary to address the behavior. At the same meeting, or a subsequent meeting, the CSE may consider the appropriateness of the IEP and recommend changes.

(2) No Manifestation (“Nexus”)**

If the CSE determines that the behavior was not a manifestation of the student’s disability and the school district seeks a change in placement that would exceed the 45 school day interim placement, the relevant disciplinary procedures applicable to students with disabilities may be applied in the same manner and for the same duration as would apply to students without disabilities*. Although it may be provided in an interim alternative educational setting. In that event, the student shall continue to receive a free appropriate public education (FAPE), consisting of educational services which enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP, and shall receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services (BIS) and modifications, that are designed to address the behavior violation so that it does not reoccur.

d. Recommendations of Subsequent Placement

The CSE shall also consider whether it may be appropriate to change the student’s placement after the expiration of the interim alternative placement. If additional information is required in order to make such a determination the CSE should take immediate steps to gather such information and to reconvene as soon as is reasonably possible (while the child is in the interim alternative educational setting).

e. Pendency (Stay-Put)

If a parent requests a hearing challenging any placement determination related to the disciplinary* action or the manifestation determination involving a student who has been placed in an interim alternative educational setting (IAES) of up to 45 school days (related to weapons/drugs/serious bodily injury):

- (1) An expedited hearing must be held and concluded within 15 business days of receipt of the request for a hearing, provided that the impartial hearing officer may grant specific extensions of such time period at the request of either the school district or the parent.
- (2) The student shall remain in the IAES as selected by the CSE, pending the decision of the hearing officer or until expiration of the disciplinary suspension, whichever occurs first, unless the parent and the school district agree otherwise.
- (3) If the CSE recommends a change in the student’s placement *after* expiration of the IAES and the parent requests a hearing to challenge that proposed

*** The duration may exceed 45 school days if a non-disabled student would have been suspended in excess of 45 school days for the same behavior.

change in placement, the student shall remain in his/her current educational placement (the placement prior to removal to the IAES) except where the student is again placed in the IAES by an impartial hearing officer in an expedited due process hearing where the school district maintains that it is dangerous for the student to remain in his or her current educational placement (as described in Section 5) below).

5) Discipline of “Dangerous” Students

a. Determine “Dangerousness”/Apply for Expedited Hearing

If the Superintendent or his/her designee determines that maintaining a “special education” student in his/her current placement is substantially likely to result in injury to the student or to others (whether or not a disciplinary proceeding is presently in progress relative to a specific charge of misconduct), the district can request an expedited hearing seeking to change the student’s placement to an appropriate interim alternative educational setting for not more than 45 school days.

b. Convene CSE

*If a parent challenges the appropriateness of the student’s educational placement (as distinguished from a challenge to a *disciplinary* change in placement) during the pendency of any hearing or appeal the student shall remain in the current educational placement unless the school district and parent agree otherwise.

Upon the Superintendent or his/her designee making such determination, the CSE shall convene as soon as is reasonably possible. The purpose of such meeting shall be as follows:

- (1) The CSE shall consider the appropriateness of the student’s current placement.
- (2) The CSE shall consider whether reasonable efforts could be made to minimize the risk of harm to the student or to others if the student were to remain in his/her current placement (including the use of supplementary aids and services).
- (3) The CSE shall determine the IAES (interim alternative education setting) including the extent to which services in the IAES are necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student’s IEP;
- (4) The CSE shall determine the student’s need to receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services (BIS) and modifications designed to address the behavior violations so it does not recur.
- (5) The CSE shall consider and/or determine whether the parent would agree to an alternative educational setting where the risk of harm to the student or to others can be minimized.

c. Pendency (Stay-Put)

While an expedited hearing is pending related to “dangerousness”, the student must remain in the interim alternative educational setting pending the decision of the hearing officer, unless the parent and the school district agree otherwise.

d. Application to Court

Nothing in these procedures shall prevent the Superintendent or his/her designee from applying directly to a Court, to the extent consistent with law, to prevent a dangerous student from returning to the previous educational setting.

6) Discipline of Students Not Yet Classified as Disabled

a. Rules Applicable if District is Deemed to have Knowledge

If a student is determined as a result of a Superintendent's hearing (as described above) to be guilty of misconduct, and if the District is deemed to have knowledge that such student had a disability before the behavior that precipitated the disciplinary action, the procedures and safeguards described herein (applicable to students classified as "special education" students) shall apply to such student.

An expedited evaluation must be conducted. In order to expedite the evaluation process, the District shall immediately request the parent's consent to perform an evaluation.

Thereafter, the student shall be evaluated as soon as possible, but no later than 15 school days after receipt of the parents consent for evaluation.

The Committee on Special Education shall convene and shall make a determination of eligibility in a meeting held no later than 5 school days after completion of the expedited evaluation.

b. How to Determine Whether District is Deemed to Have Knowledge

The District shall be deemed to have knowledge that such student has a disability if:

- (1) The parent of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement, or;
- (2) The parent of the student has requested an evaluation of the student to determine the student's eligibility to receive special education and related services; or
- (3) A teacher of the student, or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Principal of Special Education or to other supervisory personnel of the school district

c. Rules Applicable if District is Not Deemed to Have Knowledge

The District shall not be deemed to have knowledge that such student has a disability, if:

- (1) the parent of the student has not allowed an evaluation of the student to determine the student's eligibility to receive special education and related services, or;
- (2) the parent of the student has refused special education services, or;
- (3) it was determined that the student is not a student with a disability.

If, prior to suspending such student, there was not sufficient reason to suspect that such student was a student with a disability, he/she may be subjected to the same disciplinary measures as apply to students without disabilities who engage in comparable behaviors.

If, after commencement of disciplinary measures, a request is made to evaluate such student, the evaluation shall be conducted in an expedited manner. Pending the results of such evaluation, the student shall remain in the education placement as determined by the Superintendent or his/her designee.

In order to expedite the evaluation process, the District shall immediately request the parent's consent to perform an evaluation.

Thereafter, the student shall be evaluated as soon as possible, but no later than 15 school days after receipt of the parents' consent for evaluation.

The Committee on Special Education shall convene and shall make a determination of eligibility in a meeting held no later than 5 school days after completion of the expedited evaluation.

7) Educational Service during Long-Term Suspensions

When/if a disabled student is suspended beyond ten school days (cumulative or consecutive) in a school year, such student must be provided a free, appropriate public education (FAPE) regardless of whether there was a determination that the behavior was or was not directly related to the disability [i.e. manifestation "nexus"]. The student must continue to receive services, as determined by the CSE, necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP/504 plan, and to receive as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.