

**LANCASTER CENTRAL SCHOOL DISTRICT**  
**CODE OF CONDUCT**

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## **INTRODUCTION**

The Lancaster Central School District Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, or other District personnel, parents and other visitors 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 Lancaster Central School District's (LCSD) mission statement and each individual school's mission statement reflect these principles. These include:

The Lancaster Central School District's purpose is to provide our students with a comprehensive educational program that will allow them to develop fully the necessary academic and social skills to become responsible and productive members of a democratic society.

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## DEFINITIONS

For purposes of this Code, the following definitions apply:

**Acceptable Use Policy (or AUP) #6470** -- Acceptable Use Policy, applicable to all District Representatives, including all Employees, Contractors, Vendors, Affiliates; and #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy) which is applicable to all District Students. The purpose of these respective AUP policies is to express the LCSD's philosophy and set forth the general principles governing the use of electronic media and services for District staff, students and others.

**Controlled substance** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this Code.

**Cyber-bullying** (also referred to as “Social Media Bullying,” including but not limited to the use of instant messaging, email, websites, chat rooms, and text messaging when such use interferes with the operation of the school or infringes on general health, safety and welfare of District students or employees.

**DASA** means Dignity for All Students Act. The goal of DASA is to provide public elementary and secondary school students with a safe and supportive learning environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, on a school bus, or at a school function. In accordance with DASA, LCSD policy and practice must ensure that no student is subject to discrimination, harassment, or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or sex by school employees or students.

**Disruptive student** means an elementary or secondary student under the age of twenty-one (21) who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Educational Process** refers to the overall school experience and is not limited to academics.

**Gender** means actual or perceived sex; includes a person's gender identity or expression.

**Gender Expression** means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

**Gender Identity** means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

**Harassment** means creating a hostile environment by conduct or by verbal threats, intimidation or abuse that unreasonably and substantially interferes with a student's educational performance, opportunities or benefits, or a student's mental, emotional or physical well-being. Harassment includes verbal threats, intimidation or abuse that may cause a student to fear for his or her physical safety and may include, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or sex.

**Illegal drug** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law. The inappropriate use or sharing of prescription and over-the-counter drugs shall also be prohibited.

**Parent** means parent, guardian or person in parental relation to a student.

**Plagiarism** means 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 Internet), even with minor alterations.

**School community** means all LCSD employees, students, parents and members of the Lancaster town community who have an interest in the District.

**School function** means any school-sponsored event or activity, including those occurring off school grounds.

**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 school bus or school vehicle.

**Serious bodily harm** means substantial risk of death; extreme physical pain; or obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or faculty.

**Sexual orientation** means a person's emotional and sexual attraction to other people based on the gender of the other person.

**Staff** means an employee of the LCSD.

**Student with a disability or a student with a disability** as defined in Section 4401(1) of the Education Law means a person under the age of twenty-one (21) who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who, because of mental, physical or emotional reasons, can only receive appropriate educational opportunities from a special education program.

**Violent student** means a student under the age of twenty-one (21) who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. 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.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. 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.
7. Knowingly and intentionally damages or destroys District property.

**Visitors** are defined as faculty/staff, students or outside individuals (including but not limited to contractors, vendors, affiliates, third-party partners or volunteers) who are not assigned to which they are attempting to gain access.

**Volunteers** are persons who donate their time and energies to assist certain staff in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

**Weapon** means a "firearm" as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu

star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, **or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death**, and any other instrument identified in Article 265 of the Penal Law of the State of New York as a weapon. **In addition, the District's Code further prohibits the possession or display of any toy, facsimile or replica of a weapon.**

## **ESSENTIAL PARTNERS**

### **Expectations for Parents:**

1. ***Ensure that your child's attendance at school is regular and punctual and all absences are properly excused***, pursuant to the LCSD Policy #7110 -- Comprehensive Student Attendance Policy and ***as required by law***.
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 in accordance with this Code.
3. Ensure 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 school authority and for the rights and property of others.
5. Know and understand the rules your child is expected to observe. 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 LCSD Code.
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 and the school community.
11. Send your child to school ready to participate and learn as required by NY State 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.
16. Agree to respect building specific requirements regarding security and safety. Parents must sign-in and present proper identification in accordance with building procedures.

### **Expectations for Teachers:**

1. Reflect a personal enthusiasm for teaching and learning while maintaining a genuine concern for the individual student.

2. Guide learning activities so students learn to think, reason, assume responsibility for their actions and respect the rights of others.
3. Be fair, firm and consistent in enforcing school rules on school property and at all school functions.
4. Give positive reinforcement for acceptable behavior.
5. Inform a counselor and/or administrator concerning any student whose behavior requires special attention.
6. Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
7. Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including, but not limited to:
  - a) Course objectives and requirements.
  - b) Marking/grading procedures.
  - c) Assignment deadlines.
  - d) Expectations for students.
  - e) Classroom discipline plan.
  - f) Building-wide discipline plan.
  - g) Student progress.
8. Be knowledgeable about and apply effective classroom/building behavior management techniques and non-violent crisis intervention philosophy and techniques.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate dependability, integrity, self-discipline and respect for law by word and personal example.
11. Report any school-related safety concerns to a building administrator.
12. Display proper school identification on their person and in view during the school day and at all job-related functions.

**Expectations for Student Support Service Personnel (including all Pupil Personnel Staff):**

1. Demonstrate interest and concern for student achievement in the educational process.
2. Know school policies and rules, including this Code, and enforce them in a fair and consistent manner.
3. Maintain confidentiality about all personal information and educational records concerning students and their families.

4. Demonstrate dependability, integrity and other standards of ethical conduct.
5. Provide educationally related service(s) to support students in their educational program.
6. Support educational and academic goals.
7. Assist students in coping with peer pressure and emerging personal, social, emotional and physical problems.
8. Encourage students to benefit from the curriculum and co-curricular activities.
9. Communicate regularly with students, parents and other staff.
10. Be knowledgeable about and apply effective classroom behavior/building management techniques and non-violent crisis intervention philosophy and techniques.
11. Report any school-related safety concerns to a building administrator.
12. Display proper school identification on their person and in view during the school day and at all job-related functions.

**Expectations for Other School Staff:**

1. Follow this Code; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity, respect and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning staff, students and their families.
5. Report any school-related safety concerns to a building administrator.
6. Display proper school identification on their person and in view during the school day and at all job-related functions.

**Expectations for the Building Administrators:**

1. Organize school schedules and teaching assignments that promote effective classroom management and instruction.
2. Be fair, firm and consistent in all decisions affecting students, parents and staff.
3. Promote a successful teaching and learning environment by fostering a safe, orderly and academically stimulating school environment.
4. Ensure that students and staff have the opportunity to communicate regularly with the Building Principal regarding any school related matters.
5. Support the development of, and student participation in, appropriate extracurricular activities.
6. Be responsible for students, parents and staff knowing and understanding this Code.

7. Be knowledgeable about and apply effective classroom behavior/building management techniques, and non-violent crisis intervention philosophy and techniques, and assure their utilization in the building/discipline plan.
8. Ensure that a building-wide behavior management system is created, supported and enforced to meet the needs of students.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate by word and personal example dependability, integrity, self-discipline and respect for law.
11. Adhere to the District's administrative policies, regulations and procedures.
12. Display proper school identification on their person and in view during the school day and at all job-related functions.
13. Address and resolve any school-related safety concern reported by members of the school community.

**Expectations for the Superintendent and District Administrators:**

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. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that are educationally sound and promote an environment that is sensitive to student and teacher needs and is designed to minimize student misconduct.
5. Work with administrators in enforcing this Code and ensuring that all instances of discipline are resolved promptly and fairly.
6. Maintain confidentiality about all personal information and educational records concerning students and their families.
7. Demonstrate by word and personal example dependability, integrity, self discipline and respect for law.
8. Establish, implement and maintain programs for students with special needs in accordance with NY Education Law.
9. Be fair and consistent in making final decisions regarding those students whose behavior problems have escalated from individual schools to the Superintendent and Board in accordance with District policy.
10. Become acquainted with the schools, staff and students by visiting buildings regularly and attending school functions.
11. Display proper school identification on their person and in view during the school day and at all job-related functions.

### **Expectations for Board Members:**

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code that clearly defines expectations for the conduct of students, personnel and visitors on school property and at school functions.
2. Approve and review at least annually the LCSD Code to evaluate its effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.
4. Become acquainted with the school, staff and students by visiting buildings and by attending school functions.
5. Display proper school identification on their person and in view during the school day and at all District-related functions.

### **Expectations for the Dignity Act Coordinators:**

All Dignity Act Coordinators (at least one per building) are expected to:

1. Serve as the lead individual responsible for facilitating implementation of DASA in the school.
2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation and gender, or any other legally protected category.
3. Be accessible to students and other school staff for consultation and guidance as needed relative to DASA.
5. Accept and review reports regarding violations of DASA and promptly and thoroughly conduct investigations as appropriate.
6. Maintain a professional and ethical relationship with students and all other District stakeholders.

## **STUDENT DRESS CODE/CIVILITY**

The Board 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. Staff 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 interfere with the educational process. Examples are included in respective building student handbooks.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard is not allowed.
5. Not include headwear in the classroom except for a medical or religious purpose.
6. 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.
7. Not promote and/or endorse the use of alcohol, tobacco products, banned products, 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 this Code.

### **Appropriate Language/Respectful Behavior**

Students are expected to behave, and to treat all students, teachers, school staff and others, with honesty, tolerance, respect, courtesy and dignity as per the LCSD Policy #7552 – Bullying: Peer Abuse in the Schools. Students should respect their peers, teachers, and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, racial comments, and/or obscene gestures toward others will not be tolerated and appropriate disciplinary action may be taken.

## STUDENT CONDUCT

The primary goal of the LCSD is to afford all students the opportunity to grow and develop both socially and intellectually to the best of their ability. The information herein has been designed to assist each student in realizing a rewarding academic experience at Lancaster.

The following is intended to serve as a guide for what is expected of all students attending the LCSD. The adherence to school policies will promote proper student behavior and promote academic excellence. Any violation of these policies may result in appropriate disciplinary action. Examples are included in respective building student handbooks.

The Board recognizes the need for specific and clear expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to provide those expectations and focus on safety and respect for the rights and property of others. Students who violate these school rules may be disciplined as appropriate.

Students may be subject to disciplinary action, up to and including suspension from school, when they engage in:

1. Conduct that is disorderly.
2. Conduct that is insubordinate.
3. Conduct that is disruptive.
4. Conduct that is violent.
5. Conduct that endangers the safety, morals, health or welfare of others.
6. Misconduct while on a school bus. It is crucial for students to behave appropriately while riding on owned or leased 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.
7. Any form of academic misconduct.

Any form of harassment, discrimination or bullying behavior. (All students are expected to comply with LCSD Policy #7552 – Bullying: Peer Abuse in the Schools and other relevant District policies or regulations which were developed in accordance with the provisions of DASA.)

Off-campus misconduct which may impact the educational process may be subject to student disciplinary action, up to and including suspension from school. This may include but is not limited to cyberbullying, off-campus fights, and violations of the penal code.

Student handbooks in each building may address specific violations and subsequent consequences. The following are examples of behavioral expectations of the students of the LCSD:

### Attendance

In accordance with Board policy (see LCSD Policy #7110 -- Comprehensive Student Attendance Policy), the impact of attendance upon instruction and on student learning and achievement on a regular and continuing basis is an important element in an effective teaching/learning program. Every student should attend classes on a regular basis and be a participant in the classroom programs, activities, and discussions. Students' excessive absences will result in a loss of instruction that may negatively impact their grades and/or ability to attain educational goals or learning standards.

At such time as a student's lack of attendance is identified as a problem, every effort should be made to address the problem by utilizing the resources of the school, including teaching, administrative and guidance staff, and involving the student and his or her parents. When District resources have been exhausted, and if attendance patterns have not improved, other sources, including family court, may be utilized as appropriate.

Students requesting early dismissal must complete the appropriate form.

### Buses

Students are expected to be on time for their morning pickups. The same proper conduct is expected on a school bus as in a classroom. Any student whose behavior becomes a problem may lose transportation privileges. The loss of this privilege does not release the student from the obligation to be in regular school attendance. Students remaining after school must have a late bus pass or an honor pass to ride the late bus. Additionally, no food or drink is to be consumed on buses at any time.

### Cafeteria

All students must eat their lunch in the cafeteria whether they bring it from home or buy it, unless specifically granted permission to be exempted from this provision. Students must return their trays and deposit their garbage in the proper receptacles. Students are expected to conduct themselves in an orderly manner in the cafeteria. Any behavior in the cafeteria that violates the provisions in this Code will not be tolerated and may result in inappropriate disciplinary action.

### Computer/Internet

The District encourages students to use computers (including personally owned electronic devices as approved for educational purposes) and technology available in our school facilities; however, with this use comes responsibility. For a more detailed description of student computer and Internet use rights and responsibilities refer to LCSD Policy #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy) [www.lancasterschools.org/student\\_AUP](http://www.lancasterschools.org/student_AUP).

Violations of District or school policies, local, state and/or federal laws while using District or personal electronic devices on the District wired or wireless network will result in appropriate disciplinary and/or legal action against a student who willfully, maliciously, or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreement, and student right of privacy created by federal and state law.

### Student Use of Personal Electronic Communication Devices (Bring Your Own Device – BYOD) Policy 7316 [www.lancasterschools.org/byod](http://www.lancasterschools.org/byod)

Students shall be allowed to possess and use electronic communication devices during the school day, subject to building specific rules and procedures. While students are permitted to possess and use such devices during the school day, they are prohibited from using them in any manner which invades a person's privacy (for example, all electronic devices and cell phones are strictly prohibited in locker rooms or bathrooms at any time), disrupts the educational environment or endangers the safety of other students, employees, volunteers or visitors. If a student violates this provision, then he or she is subject to discipline under this and/or any other section of this *Code* that may be applicable to the circumstances.

## Student Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

1. Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.
2. The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.
3. Parents must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined District Policies #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy) and #8271 -- Internet Safety/Internet Content Filtering Policy and accompanying Regulations apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events. Cyber-bullying, in any capacity, is unacceptable.

## Passes

While school is in session, students are not permitted in the halls or lavatories without a duly authorized pass. Students found without a pass may be subject to disciplinary measures.

Appropriate hallway behavior is expected. Running, shoving or any other inappropriate behaviors not conducive to the school environment is not permitted.

## Dangerous Behavior/Weapons

Any student who threatens or displays behavior that might endanger the health, safety and welfare of self, other students, teachers and/or staff, will be suspended immediately and may include a recommendation for a Superintendent's hearing to determine the student's future status. This behavior includes, but is not limited to, setting false fire alarms; making bomb threats; starting fires; possessing fireworks, weapon(s) or pepper spray; throwing objects; fighting; vandalism; extortion and any other activity that would endanger anyone on school property or at a school function.

## Fighting/Harassment/Bullying

All students of the LCSD community are expected to treat others with dignity and respect. Any student who engages in physical, sexual, verbal or electronic harassment, discrimination, bullying or hazing on or off-campus will be subject to disciplinary consequences consistent with this Code. Any student who has been discriminated against, harassed, hazed or bullied (or who has witnessed such conduct) should report the matter to a member of the faculty or staff or an administrator, the School Resource Officer or to a Title IX officer. Violators will be referred to the appropriate building administrator for disciplinary action which may range from a reprimand to suspension from school and/or bus. All students are expected to comply with LCSD Policy # 7550 – Dignity for All Students, Policy #7551 – Sexual Harassment of Students, Policy #7552 – Bullying: Peer Abuse in the Schools, and Policy #7553 – Hazing of Students, in accordance with the provisions of DASA. *Bullying will not be tolerated in any form.*

### Forgery

Students who engage in forgery of any kind will be disciplined accordingly.

### Gambling/Selling/Trading of Items

Students observed participating in, or conducting any activity that may be construed as gambling will be disciplined appropriately. Exchanging of personal property is not conducive to the educational environment and those items may be confiscated and appropriate disciplinary measures will be taken.

### Medications

Students may not take and/or carry medications – prescription or over-the-counter – while in school. However, students who have been prescribed medications for respiratory conditions, life-threatening allergies, diabetes, or certain other health conditions which require rapid administration of prescribed medications, are permitted to carry and administer their own medications provided he or she has provided the school with written parental consent and the required documentation from his or her licensed medical provider.

### Insubordination

Appropriate disciplinary action will be taken when students are insubordinate, vulgar or display flagrant disregard of the school rules and disrespect for school personnel. This includes, but is not limited to, completing assignments, following directions from staff and being prepared for class.

### Leaving School Building/Grounds

Students are not permitted to leave the school building or grounds at any time during the school day without a duly authorized pass from the Main Office. Students who become ill must be sent home through the Nurse's Office.

### Loitering/Trespassing

Unauthorized persons, including students, found loitering in the building or on school grounds will be referred to an administrator for appropriate disciplinary action. The police will be contacted when necessary.

### Academic Dishonesty

Students are expected to take responsibility for their social and academic conduct. Academic honesty requires that students turn in work that is their own and shows their best effort. Academic dishonesty includes cheating and plagiarism.

Plagiarism includes: lack of in-text documentation; not using quotation marks for direct quotes; paraphrasing and not giving credit; direct copying and submitting as the student's own work. Cheating may involve homework, projects, assignments, exams, quizzes or tests and may include: submitting work obtained or copied from another student or obtained from a teacher without permission; allowing another student to copy or obtain work; looking at another's test, answers or materials; copying another student's answers; talking or exchanging materials during the test period.

The following may be criminal offenses which will be referred to the proper law enforcement authorities: accessing, deleting, modifying, transferring, or receiving computerized files without authorization from the teacher (this includes, but is not limited to, tampering with grades and attendance); using personal cellular mobile devices, District-provided device, or any mechanism with camera capabilities to photograph and/or quickly transmit copies of tests, projects or homework assignments without authorization from an employee of the District.

Students found to be plagiarizing or cheating on any assignment and/or test or examination may have a parent conference scheduled with the teacher and other school staff as necessary. If warranted, the student will also receive a reduction in their grade or will receive a grade of zero on the assignment, project, quiz or test with **no** makeup offered. In addition, the student may face suspension from clubs, sports or any other extra-curricular activity and/or criminal charges prosecutable under local, state and federal laws.

### Student Driving/Parking

For students of driving age, driving to school is a privilege, not a right. Students are to arrive on time for school and behave in accordance with the provisions of this Code. Students who abuse this privilege will not be allowed to park on school property. Students must obey the posted speed limit and drive in a prudent, responsible manner. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors and interiors of student automobiles while on school property if cause or suspicion exists that the student may have or is violating the provisions of this Code or law or regulation. Suspension of driving privileges will be at the discretion of the school administrator. ATV's, snowmobiles, dirt bikes, etc. are not allowed on school grounds at any time.

Students must visibly display an appropriate parking permit at all times while on school property during the school day. Unauthorized and improperly parked vehicles will be ticketed.

### Student Visitors

Student visitors are welcome under certain conditions. All requests for visitors must be approved by the building administration in advance of the visit as per building procedures. There will be no visitations allowed on the week prior to exams, the day before a school holiday or school vacation or during any school activity such as but not limited to: Homecoming events, spirit week, guest presenters.

The Administration reserves the right to limit the number of visitors on any given day isitation will occur in a way that avoids or minimizes disruption to the educational process and the ordinary classroom routine.

### Substance Use/Abuse (Including Tobacco Products)

Federal, state and local law and Board policy prohibits any type of substance use/abuse, including the use of tobacco, e-cigarettes and other similar devices, in any form on school property or at school functions.

The use of alcoholic beverages of any kind, as determined by law, is prohibited at all times on school property and at school functions. This includes all school-sponsored functions both on District property and away. Persons shall be banned from entering school property or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or illegal substances.

Students are prohibited from possessing, consuming, selling, attempting to sell, 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, heroin, look-alike drugs, synthetic drugs and drug paraphernalia and any illicit substance prohibited by NYS law. The inappropriate use or sharing of prescription and over-the-counter drugs including amphetamines and steroids shall also be prohibited.

Students with substance abuse or other social problems are encouraged to discuss them with appropriate school personnel. Problems will be treated in the strictest confidence possible.

### Tardy to School

Appropriate notification from a parent/guardian must be received by the Attendance Office if a student is late to school. Students' excessive tardiness will result in a loss of instruction which may negatively impact their grades and/or their ability to attain educational goals or learning standards. Students may face disciplinary action in accordance with this code.

### Theft/Possession of Stolen Property

Disciplinary action will be taken against students that steal, or are in possession of, any property that does not belong to them.

### Vandalism

Vandalism of school property, ranging from littering to destruction of school property, is considered a serious offense. Students will be assessed for damages or loss of any school property or equipment for which they are responsible. In accordance with law, students and/or parents/guardians may be responsible for the cost of recouping damages. In addition, disciplinary action in accordance with this Code may be taken.

### Vulgarity/Profanity

The use of vulgarity/profanity in the school building, on school grounds, on a school bus, or at any school-sponsored function, is strictly prohibited. This includes selling, using or possessing obscene materials. All locker decorations should reflect this policy.

## **REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code to a teacher, guidance counselor, the Building Principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property (including a school bus), or at a school function shall report this information immediately to LCSD staff or the Superintendent.

All District staff who are authorized to impose disciplinary sanctions, are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code 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, illegal substance, or banned product found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution.

The Building Administrator or his/her 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 or his or her designee learns of the violation. The notification may be made by telephone followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the misconduct.

## **DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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 actions, 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 (CSE) and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability.

### **Penalties**

Students who are found to have violated this Code 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 warning – any member of the District staff.
3. Notification to parent (telephone, email or letter) - any member of the District staff.
4. Detention (as per building procedures) – Teachers, Principal, Superintendent.
5. Suspension from transportation – Principal, Superintendent.
6. Suspension from athletic participation – Coaches, Principal, Superintendent.
7. Suspension from social or extracurricular activities – Activity Director, Principal, Superintendent.
8. Suspension of other privileges – Principal, Superintendent.
9. Removal from classroom by teacher – Teachers, Principal.
10. In-school suspension – Principal, Superintendent.
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board.
12. Long-term (more than five days) suspension from school – Superintendent, Board.

13. Permanent suspension from school – Superintendent, Board.

**Procedures**

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

Detention

Secondary 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 attention of the appropriate supervisor. 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. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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 or the Principal's designee to discuss the conduct and the penalty involved.

Suspension from Athletic Participation, Extra-curricular Activities and Other Privileges

Students are expected to abide by the District's Athletic Code of Conduct, training rules and other rules applicable to students participating in athletics or extracurricular activities.

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law 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.

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. On occasion, a student's behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of 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.

Any disruptive student removed from the classroom shall be offered continued educational programming and activities at a designated "time-out" place with a certified teacher as determined by each building.

Teachers and Administrators must keep a complete log in eSchool for all cases of removal of students from his or her class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has 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.

### In-School Suspension

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 and the Superintendent to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full due process 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 in-school suspension to discuss the conduct and the penalty involved.

### 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. Suspension from school includes removal from the academic setting and school-related events.

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 this Code. 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 must 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

When the Superintendent or Principal ("suspending authority") proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the

student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent 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 parent. At the conference, the parent 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 school days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board with the District clerk within ten (10) business days of the date of the Superintendent's 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 thirty (30) days of the decision.

## 2. Long-term (More than 5 Days) Suspension from School

When the Superintendent determines that a suspension for more than five (5) 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 facts 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.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within ten (10) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

### Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### Students who Bring or Possess a "Firearm" on School Premises

Any student found guilty of bringing or possessing a "firearm" (as defined in federal law) on school property will be subject to suspension from school for at least one (1) calendar year. The student will have an opportunity for a fair due process hearing pursuant to Education Law Section 3214 prior to imposition of a long-term suspension.

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:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

### Students who Commit Violent Acts Other Than Bringing a "Firearm" to School

Any student who is found to have committed a violent act, other than bringing or possessing a "firearm" on school property, shall be subject to suspension from school for at least five (5) days. 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 parent(s) 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 "firearm."

### Students who are Repeatedly and Substantially Disruptive of the Educational Process or Repeatedly and Substantially Interfere with the Teacher's Authority over the Classroom

Any student, who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For the purposes of this Code, "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.

If the proposed penalty is the minimum five-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 five-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 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 "firearm."

## **Referrals**

### Counseling

It is expected that most inappropriate student behavior in the classroom will be addressed by the teacher in accordance with the teacher's individual discipline plan.

When a student has been repeatedly substantially disruptive, a referral shall be made to the student's school counselor by the teacher, administrator or the Student Support Team using the appropriate referral form.

Counseling interventions by the School Counselor (Social Worker at the elementary level) may include, but are not limited to:

1. Contacting parent.
2. Meeting with student.
3. Referring to the Family Support Center or appropriate agency.
4. Arranging parent conference.
5. Requiring weekly progress reports.
6. Referring to School Social Worker.
7. Referring to School Psychologist.

Should these counseling interventions fail, the parent will be made aware that further disruption may result in out-of-school suspension.

### PINS Petition

The District may file a PINS (person in need of supervision) petition in Family Court per Article 7 of the Family Court Act on any student under the age of eighteen (18) who demonstrates that he or she requires supervision and treatment by:

1. Being habitually truant and not attending school as required by Part 1 of Article 65 of the Education Law.
2. 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.
3. Knowingly and unlawfully possesses marijuana in violation of Penal Law 221.05. A single violation of 221.05 will be sufficient basis for filing a PINS petition.

## Juvenile Delinquents and Juvenile Offenders

The following students will be referred by the Superintendent to the County Attorney for juvenile delinquency proceedings:

1. Any student under the age of sixteen (16) who is found to have brought a weapon to school, per Section 265.05 of the Penal Law of the State of New York; or
2. Any student thirteen (13), fourteen (14) or fifteen (15) years old who is criminally responsible for acts as a "juvenile offender" under the provisions of Criminal Procedure Law Section 1.20(42).

## **ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher for disruptive behavior, or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the District will take immediate steps to provide alternative means of instruction for the student. This instruction shall be of an equivalent nature to that provided in the student's regularly scheduled class and shall be provided by a certified teacher. The District shall act promptly, with due regard for the nature and circumstance of the particular case.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address violations of this Code. The Board also recognizes that students with disabilities or students presumed to have a disability enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with applicable laws and regulations.

This Code affords students with disabilities or students presumed to have a disability subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the Code, the following definitions apply:
  - a) A "suspension" means a suspension pursuant to Education Law Section 3214.
  - b) A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - c) An "IAES" means a temporary educational placement for a period of up to forty-five (45) school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a) The Board, the District (BOCES) Superintendent of Schools or a Building Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c) The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) school days, if the student carries a weapon to or possesses a weapon at school or a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. "Serious bodily injury" means injury that involves substantial risk of death; extreme physical pain; or obvious disfigurement or protracted loss or impairment of the function of a body part, organ or mental faculty.
  - e) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

### **Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is:
  - a) For more than ten (10) consecutive school days; or
  - b) For a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such other factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement based on a pattern of suspensions or removals if the CSE has

determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or for inflicting serious bodily injury as discussed above.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The District's CSE shall:

- a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten (10) school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the CSE shall convene to modify such plan and its implementation, to the extent it determines necessary.

- b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a) The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

- b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

- (1) Conducted an individual evaluation and determined that the student is not a student with a disability, or

- (2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while the non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations.

### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations, if:
  - a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including, but not limited to, any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

- (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

### **Referral to law enforcement and judicial authorities**

In accordance with the provisions of IDEA and its implementing regulations:

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **CORPORAL PUNISHMENT/ INTERVENTIONS**

Corporal punishment is any act of physical force upon a student for the purpose of disciplining that student. Any teacher, administrator, officer, employee or agent of the District shall not use corporal punishment as a means of discipline against a student; nor shall corporal punishment be used against a student by a parent or any other visitor while on school property.

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

1. Protect oneself from physical injury;
2. Protect another student, teacher or any other person from physical injury;
3. Protect the property of the school or others; or
4. Restrain or remove a disruptive student, whose behavior interferes with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive behavior.

Such interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. 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 staff uses physical force against a student, he or she shall make an immediate verbal report of the situation to the Building Principal or Supervisor/designee with the written report to follow within two (2) subsequent school days. 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 forty-eight (48) hours.

LCSD will maintain documentation on the use of interventions for each student including:

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

This documentation will be reviewed by District supervisory personnel and, when possible, 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 the Commissioner's Regulations.

## **STUDENT SEARCHES AND INTERROGATIONS**

### **Questioning of Students by School Officials**

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. 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.

Any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law, school rules or this Code. School officials are not required to give a "Miranda" type warning before questioning, nor are they required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

Appropriate law enforcement agencies will be contacted, as may be necessary, with regard to statements and information given by students.

### **Student Searches by School Officials**

To maintain discipline and safety on school property and at school functions, students and their property, as well as desks, lockers, and other school property used by students, may be subject to searches by authorized school officials.

Authorized school officials can conduct searches of students and their belongings on school grounds if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law, school rules, or the District Code.

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 the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to obtain the student's admission that he or she possesses physical evidence that they violated

the law or the District Code, or get 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.

Factors that may be considered in determining whether reasonable cause exists to search a student include but are not limited to:

1. The age of the student;
2. The student's record and past history;
3. The predominance and seriousness of the problem in the school where the search is directed;
4. The reliability of the information used as a justification for the search;
5. The school official's prior knowledge of and experience with the student; and
6. The urgency to conduct the search without delay.

### **Student Lockers, Desks, Computers and Personal Belongings**

The rules in this Code regarding searches of students and their belongings do not apply to student lockers, desks, computers and other storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, computers, including electronic storage and other storage may be subject to search at any time by school officials, without prior notice to students and without their consent.

**(LCSD Policy 7330)**

### **Other Searches**

Personal searches of student's belongings (including, but not limited to student vehicles and electronic devices), on school property or at a school function may occur in accordance with LCSD Policy 7330 and law.

Authorized school staff who conduct student searches will be responsible for recording in writing relevant information about the search including, but not limited to:

1. Name and grade of the student;
2. Name and title of school staff member conducting the search;
3. Date, time and place of the search;
4. Rationale for the search (including item(s) being sought);
5. Result(s) of the search;
6. Parent or person in parental relation notification of search including method of communication.

## **Police Involvement in Searches and Interrogations**

The District is committed to cooperating with law enforcement authorities to maintain a safe school environment. Police officials may interview or search students in schools or at school functions, or to use school facilities in connection with police work, in accordance with law and Board policy.

## **Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and 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 (CPS) workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. Interviews or questioning by CPS caseworkers will be conducted in accordance with relevant law and Social Services regulations.

## **VISITORS TO THE SCHOOLS**

The following rules apply to visitors to the schools:

1. All visitors to the school must report to the main office upon arrival at the school and state the purpose of their visit. Visitors will be required to sign the visitors register and follow specific building procedures. Visitors are to immediately report to the area of their stated business and promptly leave the building when their business is completed. Signs notifying visitors to report first to the school office shall be prominently posted in each school building in the District.
2. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
3. Parents or citizens who wish to observe a classroom while school is in session are required to obtain permission in advance from the Building Principal.
4. Visitors are expected to refrain from taking class time to discuss individual matters with teachers. Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The building administrator may accompany visitors during the visit when appropriate. Visitors are expected to maintain confidentiality regarding information acquired during the course of the visit.
5. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants. Before a child may be released from the building with a visitor, must be approved by the Building Principal or designee as one having the legal right to take the child. The visitor will wait in the main office for the child to come from the classroom and/or follow other duly approved procedures for that building.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

## **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 Code, "public" means all persons on school property or attending a school function including students, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code 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 District. The purpose of this Code is to maintain public order and prevent 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 they are on school property.

### **Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intimidate, harass or discriminate against any person based on actual or perceived race; color; weight; national origin; ethnic group; religion or religious practice; disability; sexual orientation; gender, gender identity; or sex; by employees or students on school property or at a school-sponsored function.
3. Obstruct the free movement of any person in any place to which this Code applies.
4. Willfully incite others to commit any of the acts prohibited by this Code.
5. Intentionally damage or destroy LCSD property or the personal property of staff or any person lawfully on school property, including graffiti or arson.
6. Disrupt or prevent the orderly conduct of classes, school programs or other school functions.
7. Distribute or wear apparel or other materials on school property or at school functions that are obscene, advocate the use of drugs, alcohol, tobacco products or illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
8. Use tobacco products, e-cigarettes, or similar devices on school property or at any school function.
9. Possess, consume, sell, attempt to sell, distribute or exchange alcoholic beverages or illegal substances or under the influence of either. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, heroin, look-alike drugs, synthetic drugs and drug paraphernalia and any illicit substance prohibited by NYS law. The inappropriate use, offer, manufacture or sharing of prescription and over-the-counter drugs including, but not limited to, amphetamines and steroids shall also be prohibited.
10. Possess or use weapons (or look-a-like weapons) in school buildings or on school property or at a school function, except in the case of law enforcement officers on official business or except as specifically authorized by the District.
11. Gamble on school property or at school functions.
12. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
13. Loiter on or about school property.
14. Refuse to comply with any reasonable order of identifiable LCSD staff performing their duties.

15. Violate the traffic laws, parking regulations or other restrictions on vehicles, including but not limited to the unauthorized operation of ATVs, snowmobiles and other such vehicles, as posted.
16. 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: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and may not return. The duration of the eviction will be determined by the severity of the action and in accordance with law and District Code.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured Faculty Members: They 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: They 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: They 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 or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the Building Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his or her 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, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **DISSEMINATION AND REVIEW**

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

1. Conducting a public hearing relating to this Code before Board approval.
2. Posting the complete Code on the District website, including any annual updates or other amendments.
3. Providing copies of a summary of the Code to all students, in an age-appropriate version written in plain language, at a school assembly held at the beginning of each school year.
4. Providing all current teachers and other staff members with a complete copy of the Code and any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code upon employment.
6. Making copies of the Code available for review by students, parents (or other persons in parental relation to students), non-teaching staff, and other community members.

The Board will support an in-service education program for all District staff members to ensure the effective implementation of the Code. 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 will review this Code every year and update it as necessary. 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 may appoint an advisory committee to assist in reviewing the Code and the District's response to violations. The committee will 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.