

CODE OF CONDUCT-08/14/2017

	Pages
1. Introduction	2
2. Definitions	2
3. Roles of Constituents	3
4. Expected Civil and Respectful Treatment of Others	6
5. Standards of Conduct	6
6. Language	8
7. Disruptive Students	8
8. Violent Students	9
9. Student Dress Code	9
10. Cell Phones and Electronics	10
11. Student Harassment & Bullying Prevention & Intervention Reg.	11
12. Determination of Violations	19
13. Corrective/Disciplinary Measures	21
14. Provisions for Students Removal from Class and School Property	21
15. Procedures for Imposing Disciplinary Measures	22
16. Student Searches and Interrogations	25
17. Standards and Procedures to Assure Security Safety	26
18. Compliance with Laws of Students with Disability	27
19. Prohibited Conduct and Disciplinary Measures	27
20. Reporting of Violations to School Administrators	29
21. Parental Notifications	30
22. Notice to Local Law Enforcement Agencies	29
23. Physical Restraint and Corporal Punishment	29
24. Procedures for Filing Criminal Juvenile Delinquency, and Person In Need of Supervision (PINS) Proceedings	31
25. Procedures for Referral to Human Service Agencies	31
26. Bill of Rights and Student Rights and Responsibilities	32
27. In-Service Education	33

CODE OF CONDUCT

I. INTRODUCTION

The Code of Conduct is adopted by the LaFargeville Central School (LCS) District pursuant to the requirements of Part 2 of Section 2801 of the Education Law. This is in accordance to the New York State (NYS) Safe Schools Against Violence in Education Act of 2000, known as "Project Save". Under this law, schools in NYS are required to adopt a Code of Conduct for the maintenance of public order for individuals who come on to school property, or travel in school buses operated by LCS, or who attend school functions both on- and off- school campus locations. This policy governs conduct at all such locations, unless otherwise specified.

II. DEFINITIONS

"School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the LCS district; or in or on a school bus, as defined in Vehicle and Traffic Law.

"School functions" shall mean any school-sponsored curricular or extracurricular event or activity, whether on- or off- school property that is sanctioned or approved by the school, including but not limited to off-site athletic events, school dances, field trips, ski club outings, plays, musical productions, or any other school-sponsored activity.

"Staff members" shall mean any member of the school that is either employed or working in the school as an intern or volunteer.

"Students" shall mean pupils enrolled in LCS.

A *"disruptive student"* is a student who is repeatedly disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or engages in conduct that results in the removal of the student from the classroom by a teacher on four or more occasions during a semester, or three or more occasions during a trimester, as applicable.

A *"violent student"* is an elementary or secondary school student under twenty-one (21) years of age who while on school property or at school functions:

1. commits an act of violence upon a teacher, administrator, and/or other school employee;
2. commits an act of violence upon another student or any other person lawfully there;
3. possesses a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
5. threatens to use any instrument that appears capable of causing physical injury or death;

6. knowingly and intentionally damages or destroys district property or the personal property of a teacher, administrator, other school district employee or any person lawfully on school property.

STATUTORY REFERENCE: Education Law §2801, subdivisions 1 and 2; Education Law §3214 (2)(A)(a); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(m).

III. ROLES OF CONSTITUENTS

Students

All LCS students are expected to:

- Be familiar with and abide by all district policies, procedures, rules, and regulations pertaining to student conduct.
- Work to the best of his or her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
- Conduct himself/herself, when participating in or attending school-sponsored extracurricular events, such to hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, as a representative of the district and accept responsibility for his/her actions.
- Seek help in solving problems that might lead to discipline procedures.
- Contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property.
- Make constructive contributions to the school, and to report fairly the circumstances of school-related issues.
- Be polite, be respectful, and do his/her best.

Parents/Guardians

All parents/guardians are expected to:

- Recognize that the education of their child(ren) is a joint commitment between them and the school community.
- Send their child(ren) to school ready to participate and learn.
- Ensure their child(ren) attend school regularly and on time.
- Make certain all absences are legal.
- Make certain their child(ren) attend school dressed and groomed in a manner that is consistent with the student dress code.
- Be familiar with and understand the LCS rules and regulations.
- Encourage their child(ren) to learn and respect the rights of others.

- Express to their child(ren) a supportive attitude towards education and LCS.
- Provide guidance for their child(ren) to develop socially acceptable standards of conduct and behavior.
- Ensure their child(ren) complete assignments.
- Inform school officials of changes in their home situation which may affect their child(ren)'s conduct and/or academic performance.
- Provide their child(ren) with an opportunity to successfully attain a quality education.

Teachers and Staff Members

All LCS teachers and staff members are expected to:

- Maintain a climate of mutual respect and dignity for others, which will strengthen students' self-concept and promote learning.
- Serve as positive role models for students.
- Be consistent and fair in dealing with students both inside and outside of the classroom.
- Be prepared to teach and help students.
- Demonstrate interest in teaching and concern for student achievement.
- Reinforce positive student behavior.
- Know the LCS policies and rules, and enforce them in a fair and consistent manner.
- Communicate with students, parents/guardians, and administrators.
- Before seeking assistance from administration for discipline problems, use available resources to bring about positive behavioral change in the classroom.
- Have high expectations for students.

Principals

All LCS administrators are expected to:

- Promote a safe, orderly, and stimulating school environment which supports and is conducive to active teaching and learning.
- Coordinate and oversee student management, responsibly exercising the authority assigned by the LCS Board of Education and the Superintendent of School.
- Ensure that students, parents/guardians, teachers and/or other staff members have an opportunity to communicate regularly with them, and approach them to address and redress grievances.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved in a fair, consistent, and timely manner.

- Participate in the development of rules and regulations and to make them known and understood by students, parents/guardians, teachers and staff members.

Superintendent

The Superintendent is expected to:

- Promote a safe, orderly, and stimulating school environment which supports and is conducive to active teaching and learning.
- Support the staff by enforcing student discipline in accordance to the policies of the LCS Board of Education and state and federal laws and regulations.
- Supervise and maintain a well-trained staff at all levels.
- Inform the LCS Board of Education about trends relating to education.
- Keep the community informed of LCS activities through regular publications, announcements, meetings, and other appropriate forms of communication.
- Review facts of information for appeals to be fair and consistent, in rendering decisions regarding students whose behavior problems have been referred to the Superintendent.

LCS Board of Education

All members of the LCS Board of Education are expected to:

- Employ and maintain a well-trained staff at all levels.
- Collaborate with students, parents/guardians, parent and community organizations, teachers, staff members, and administrators to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
- Adopt and review at least once a year the district's Code of Conduct to evaluate the code's effectiveness, fairness, and consistency of its implementation.
- Keep the community informed of LCS activities through regular publications, announcements, meetings, and other appropriate forms of communication.
- Review facts of information for appeals to be fair and consistent, in rendering decisions regarding students whose behavior problems have been referred to the LCS Board of Education.

STATUTORY REFERENCE: Education Law §2801(2), enacted by L. 2000, Ch. 181; See also implementing regulations of the Commissioner of Education, 8 N.Y.C.R.R. §100.2 (1)(2).

IV. EXPECTED CIVIL AND RESPECTFUL TREATMENT OF OTHERS

The expectations at LCS are that student, parents/guardians, teachers, school staff members, community members, visitors, and administrators treat each other in a civil and respectful manner on school property and at school functions.

STATUTORY REFERENCE: Education Law §2801(2)(A); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

V. STANDARDS OF CONDUCT

Students' conduct shall be considered appropriate if it is in compliance with all provisions of this Code of Conduct. Students should treat teachers, school administrators, other school personnel, fellow students, and visitors on school property and school buses and at school functions, in a civil and respectful manner, at all times.

The following conduct shall be deemed inappropriate and unacceptable on school property, school buses and at school functions:

1. Conducting any unlawful act that is in violation of state and federal laws;
2. Fighting and/or injuring any person by an act or use of force for the purpose of causing injury to any person;
3. Bullying or intimidating other persons;
4. Harassing others;
5. Threatening injury to persons or property, threatening disruption of lawful authorized activities, or any other threat (i.e. bomb threat);
6. Physically restraining or detaining any other person, and removing such person from any place where he/she is authorized to remain except that students may be restrained as permitted under Commissioner's Regulation Pt. 100.2.
7. Vandalizing, destroying, damaging, or defacing property belonging to LCS or the property of any individual;
8. Entering designated prohibited or danger areas (unless under the direction of any staff member) including, but not limited to:
 - electrical switching or transmission equipment
 - gasoline storage
 - telephone switchboards
 - computer network
 - roof
 - utility and storage rooms and
 - fuel storage;
9. Stealing;
10. Inappropriate public displays of affection, which include but are not limited to:
 - repeated embracing
 - groping
 - kissing
11. Engaging in disorderly conduct (i.e. horseplay, running in halls, unreasonable and/or excessive noise including car stereos that interrupt classroom activities and/or LCS business, etc.);

12. Possessing, distributing and/or wearing obscene material that include, but are not limited to:
 - profanity
 - suggestive innuendoes
 - hate messages
 - tobacco products
 - drugs and alcohol
 - similar items
13. Deliberately disrupting or preventing the peaceful and orderly conduct of instruction and other activities authorized by the LCS;
14. Refusing any reasonable direction of any school official, faculty or staff member in charge of a particular area or event;
15. Refusing to leave any buildings or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
16. Violating traffic or parking regulations of LCS;
17. Violating the emergency procedures, regulations of LCS in case of fire; natural disaster or civil disturbance or any preparations for dealing with such emergencies;
18. Entering into any private office of an administrative officer, or facilities of the faculty or a staff member without permission, expressed or implied;
19. Entering upon or remaining upon school property unless engaged in an activity authorized by the school official in charge of an area or event;
20. Willfully inciting others to commit any acts herein prohibited with specific intent to procure them to do so;
21. Interfering with the free speech and movement of any person legally upon the property and engaged in authorized activities;
22. Possessing, distributing, smoking or using any tobacco or similar tobacco products on school property (including smokeless cigarettes or any other look alike products);
23. Possessing and/or distributing contraband which is defined to include drugs, alcohol, knives, rifles, shotguns, pistols, revolvers and other firearms or weapons of any sort, or any other object of substance deemed illegal by the penal law;
24. Possessing any look-a-like firearm or dangerous weapon and/or any look-a-like drugs;
25. The distribution of any medication (prescription or non-prescription) by any student or faculty member (other than the school nurse or authorized school official) to a student;
26. The possession of any medication (prescription or non-prescription) by a student without the written permission of the parent/guardian and written order by the prescribing physician;
27. Using or being under the influence of alcohol or drugs as defined by penal law and violating the District's Drug and Alcohol Policy;
28. Falsely reporting a bomb;
29. Cheating on class work or exams;
30. Gambling;
31. Vandalism;
32. Truancy will include:
 - tardiness

- cutting class
 - skipping detention
 - skipping school for the day
 - leaving class and/or school property without permission
33. School bus misbehavior will include but not be limited to:
- not staying seated
 - throwing things
 - distracting the driver
 - disembarking without permission
 - smoking
34. Violating the District's Acceptable Use Policy for Computers; and/or
35. Other insubordinate or disorderly behavior.

STATUTORY REFERENCE: Education Law § 2801(2)(A); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

VI. LANGUAGE

Language that is civil and respectful towards others and in compliance with the provisions of the Code of Conduct will be considered appropriate and acceptable.

The following language will be deemed inappropriate and unacceptable on school property, school buses, and at school functions, whether in gesture, stated, or written:

Prohibited Language

- Verbally abusive and/or harassing
- Vulgarity
- Profanity and swearing
- Racial epithets and/or other discriminatory remarks
- Loud and disruptive
- Lewd and suggestive
- Threatening
- Argumentative

STATUTORY REFERENCE: Education Law §2801(2)(A); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

VII. DISRUPTIVE STUDENTS

A disruptive student is one that displays behavior that repeatedly upsets and interrupts the educational process or substantially interferes with the teacher's authority over the classroom. The conduct can also be seen as disruptive when it results in a student being removed from the classroom by a teacher on four or more occasions during a semester.

STATUTORY REFERENCE: Education Law §2801(2); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(m).

VIII. VIOLENT STUDENTS

A violent student is a student in either an elementary or secondary school under age twenty-one (21) who:

- commits an act of violence upon a teacher, administrator, or other school employee; or
- while on school property does so upon another student or any other person lawfully there; or
- while on school property possess a gun, knife, explosive or incendiary (flammable) bomb, or other dangerous instrument capable of causing physical injury; or
- displays or threatens to use a gun, knife, explosive or incendiary (flammable) bomb, or other dangerous instrument capable of causing physical injury; or
- knowingly and intentionally damages or destroys property or personal property of a teacher, administrator, other school district employee or any person lawfully on school property.

LCS teachers and staff members shall immediately report and refer a student to either the Principal or Superintendent or a designee for either of them for an act of violence. The Principal or his/her designee will review the facts of information and impose the appropriate corrective/discipline measures that are fair and consistent in accordance with state and federal laws and regulations.

STATUTORY REFERENCE: Education Law §2801(2); Education Law §3214(2)(A)(a); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

IX. STUDENT DRESS CODE

Student Dress Code: Our community takes pride in the appearance of our students. Clothes can reflect the quality of the school, conduct, and schoolwork. Students are expected to dress in a manner that is appropriate for the educational setting. The following are items deemed inappropriate and unacceptable on school property, school buses, and at school functions:

1. Revealing, see-through or tight clothing, including but not limited to clothing that leave visible:
 - Underwear
 - Bare tops
 - Bare midriffs and/or sides
 - High thighs
2. Clothing, jewelry, body piercing or markings that are inappropriate, present a safety hazard (i.e. in physical education or when participating in sports), or are disruptive to the educational process and/or specific trade setting;

3. Outdoor clothing (unless worn for a specific trade setting or medical reason);
4. Gang-related attire and/or jewelry;
5. Clothing and jewelry bearing inappropriate, lewd, profane, suggestive, drug, alcohol, tobacco, and/or any related messages;
6. Hats worn inside the school except for medical or religious purposes or for a specific purpose or trade setting; Hats worn to school are to be stored in the student's locker and are not to be carried in the halls.
7. Straps must be lasagna in width, no tank tops for boys, nor spaghetti straps for girls;
8. Clothes are to be worn as they are designed. (ie. boy's pants worn on the waist, hooded sweat shirt over the body and both arms)
9. Headsets/ear buds/headphones/electronics (including when not on ears)
10. Backpacks (during the school day – 8:15 AM - 3:05 PM)

Students who violate the school's dress code shall be required to modify their appearance by replacing, covering and/or removing the offending item. Any student who refuses to do so shall be subject to corrective measures/discipline.

STATUTORY REFERENCE: Education Law §2801(2)(A); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

X. CELL PHONES AND ELECTRONICS

1. Cell Phones and other electronics are not permitted to be used in the classrooms and are considered a privilege to possess on school property.
2. If a cell phone or electronic device is seen or heard in the classroom, staff may confiscate the device and deliver it to the principal or other administrator where the administrator may keep the device until it can be picked up by a parent/guardian.
3. Playing of music, use of speakerphones, or any disruptive noises are not permitted in the school and may result in the electronic device being confiscated.
4. Recordings (audio, video, or photographs) of any sort on school property are not permitted and will result in loss of the cell phone privilege.
5. If a student is found to have his/her cell phone or electronic device out during a local or state exam, the student may receive a 0 on that exam.
6. The school district is not responsible for any cell phones or electronics brought on school property.
7. All electronic devices are legally considered "electronic backpacks" and therefore are subject to be searched.
8. The Cell Phone/Electronics privilege can be revoked for misuse at any time by administrative action.

XI. STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Definitions

Bullying

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website:

http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
 - Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
 - Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the district's effort to address bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

Role of the Bullying Prevention Coordinator (BPC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Bullying Prevention Coordinator (BPC), accountable for implementation of this policy. The BPC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

LCS Bullying Prevention Coordinator/Dignity Act Coordinator:

Mr. Travis Hoover (315)658-2241 ext 11 thoover@lafargevillecsd.org

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to **the principal, the principal's designee** or the **Bullying Prevention Coordinator** as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis.

The district will promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with this code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the **principal, the principal's designee** or the **Bullying Prevention Coordinator** shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three working days following receipt of a complaint, **the principal, the principal's designee** or the **Bullying Prevention Coordinator** should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - Access to private locker room facilities;
 - An escort during passing periods;
 - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
 - An opportunity for independent study at home with district-provided tutor until the case is resolved;
 - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
 - Assignment of a bus monitor.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and the accused within one week notifying them, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint as allowed by privacy law. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the **principal, the principal's designee** or the **Bullying Prevention Coordinator** has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with this Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The bullying prevention coordinator, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adoption date:

XII. DETERMINATION OF VIOLATIONS

1. Case of Clear Danger to Persons or Property

If violations of the prohibitions of this policy and regulations constitute a clear threat of injury to a person or probable harm to school property which might reasonably result in damage:

- A. The staff member(s) will request the offender to immediately stop the prohibited action and refer the offender to a school administrator.
- B. If the offender does not stop immediately and continues the prohibited act, the staff member(s) will take immediate steps to maintain order, secure the safety of others, and notify a school administrator.
- C. If necessary, the staff member(s) will contact the local law enforcement agency for assistance and notify a school administrator.
- D. The above statements shall not be construed as directing or authorizing the use of physical force by school employees against an offender unless there is no other way to preserve from physical danger all persons lawfully upon school property and at school functions.

2. Other Cases

If the nature of the offense is not within the definition of the aforementioned offenses of clear danger, but otherwise disruptive, inconvenient, or harassing in nature, the following procedures will apply:

- A. Anyone affected by such prohibited action may file a written complaint to the Principal or his/her designee.
- B. The Principal or his/her designee will conduct an investigation immediately and decide whether a violation has occurred and if the violation requires immediate action.
- C. If immediate action is required to preserve the normal functioning of the school, the Principal or his/her designee will then order the prohibited activity to stop.

- D. If the prohibited activity stops, the Principal will determine the appropriate actions to be taken in accordance to this Code of Conduct.
- E. If the activity does not stop upon the direction of the Principal or his/her designee, then the Principal or his/her designee will request the student's parents/guardians to pick-up the student.
- F. If the prohibited activity continues then either the local law enforcement and/or mobile crisis team will be called to pick-up the student.

3. Actions

Notwithstanding any action set forth above, it shall be the affirmative duty of any student or district employee observing any prohibited act to promptly report such violation to an administrator.

- A. Upon receipt of such a report, the Principal or his/her designee shall promptly investigate and make a report to the Superintendent.
- B. If the investigation reveals that reasonable or probable cause exists to believe a prohibited act has occurred and that the accused has committed such an act, appropriate disciplinary steps will be taken as follows:
 - 1. Students shall be subject to procedures set forth in Education Law Section §3214.
 - 2. Employees shall be subjected to procedures set forth in Education Law §3020-a, or §3031, Civil Service Law Section 75, as appropriate, or the collective bargaining agreement.
 - 3. Visitors shall be given notice of the charges, the rights to a hearing before the Superintendent with the opportunity to appeal. Such notification will also contain the penalties set forth below and will be sent by certified mail to the accused. If the visitor disagrees with the decision of the Superintendent, he/she may appeal to the LCS Board of Education.

STATUTORY REFERENCE: Education Law §2801(2); Education Law §3214; Education Law §3020-a or §3031, Civil Service Law Section 75; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

XIII. CORRECTIVE/DISCIPLINARY MEASURES

Corrective/disciplinary measures are used to deal directly with situations that arise on school property and at school functions.

The following range of corrective/disciplinary measures can be imposed individually or a combination of these may be used for violations of the Code of Conduct. The corrective/disciplinary measures include:

- Verbal Warning
- Written Warning
- Time Out
- Written Notification to Parents/Guardians
- Probation
- Detention
- Suspension from social or extracurricular activities
- Planning Conference (PC)/In-School Suspension (ISS)
- Out-of-School Suspension (OSS)
- Alternative Education
- Exclusion from Class
- Expulsion, after Superintendent's Hearing

The above penalties may be imposed either alone or in combination.

The Discipline Plan is applied to students with disabilities unless the behaviors escalate to such a significant degree that a CSE meeting needs to be convened. (See Federal LAW IDEA 2004, NYS ED Law §Part 200)

STATUTORY REFERENCE: Education Law §§2801(2)(A); Education Law §3214; Federal Law IDEA; Education Law §Part 200; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(a).

XIV. PROVISIONS FOR STUDENTS REMOVAL FROM CLASS AND SCHOOL PROPERTY

A teacher may remove a “disruptive student” from the classroom only where the teacher has attempted to deal with the student’s misbehavior through less drastic means, such as: warnings, time-out, telephone calls and/or conferences with parents, detentions, and other such classroom interventions.

Teachers are encouraged to consider less drastic penalties than removal in any case. Situations may occur when it is necessary to remove a “disruptive student” from the classroom. However, in no case may a teacher remove a student from his/her classroom for more than one day. A teacher may not remove a disabled student from his/her classroom until he/she has verified with the Principal or Chairperson of the Committee on Special Education that the removal will not violate the student’s rights under federal or state law or regulations, unless the student behavior poses a danger to others. The procedure for removing a “disruptive student” is set forth in the following section.

STATUTORY REFERENCE: Education Law §2801 (2)(C); Education Law §3214(3); Federal Law IDEA; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(c).

XV. PROCEDURES FOR IMPOSING DISCIPLINARY MEASURES

1. Procedures for Issuing Detentions

Any teacher may refer a student for lunch or after-school detention for violations of this Code of Conduct. The teacher issuing the detention shall provide appropriate schoolwork to be done during the detention period (i.e. a book, an article, a writing assignment, etc.). If a teacher assigns a student after-school detention the teacher must provide the student and parents/guardians with advanced prior notice. Generally, on Mondays and Thursdays transportation is provided to students by a late bus. However, if the teacher wishes to have a student serve after-school detention on another day, he/she must coordinate with the students' parents/guardians the feasibility and transportation.

STATUTORY REFERENCE: Education Law §2801(2)(E); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(e).

2. Procedures for Suspensions

Short-term Suspensions

When suspension of the student from attendance for a period of five (5) days or less pursuant to Education Law §3214 (3) is proposed, the Superintendent or Principal shall immediately notify the student orally and the parents/guardians in writing that the student may be suspended from school. Written notice shall be provided by personal delivery, express mail, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to proposed suspension, at the last known address or addresses of the parents/guardians. Where possible, notification shall also be provided by telephone, if the school has been provided with a telephone number for the purpose of contacting parents/guardians. The written notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents/guardians of their rights to request an immediate informal conference with the Principal or Superintendent and the right to question complaining witnesses, in accordance with the provisions of Education Law §3214 (3)(b).

The notice and opportunity for an informal conference shall be given prior to the suspension of the student, unless the student's presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably possible.

Long-term Suspensions

When suspension of the student from attendance for a period in excess of five (5) days is proposed, school officials shall follow the formal hearing procedures set forth in Education Law §3214. The Superintendent or his/her designee shall immediately notify the student's parents/guardians, in writing that the student may be suspended from school and shall

provide the reasons therefore, giving dates and other descriptive details for the incident in question. The Superintendent shall either personally hear and determine the proceeding, or may, at his/her discretion make a written designation of a hearing officer to determine it. A record of the hearing shall be maintained by tape recording the proceeding. If the hearing officer is used, he/she shall make written finding of fact and recommendations as to the appropriate measure of discipline, which shall be advisory. After the hearing, the Superintendent shall make a final determination of the student's guilt or innocence of the charges, including findings of fact and imposition of an appropriate sanction.

Appeal to the Board of Education

The parents/guardians may appeal the decision of the Superintendent to the LCS Board of Education. Any appeal to the LCS Board of Education must be in writing and must be submitted to the District Clerk within ten (10) business days after the date of the Superintendent's decision. The LCS Board of Education's decision on the appeal shall be based solely upon the record of hearing.

Alternative Instruction

Where a student has been suspended from school pursuant to this Code of Conduct, and the student is of compulsory age or serviced by CSE, immediate steps shall be taken for his or her attendance upon instruction elsewhere, and/or for supervision or detention of said pursuant to the PINS provisions of Article 7 of Family Court Act.

STATUTORY REFERENCE: Family Court Act Article 7; Education Law §§2801(2)(E); Education Law 3214; Federal Law IDEA; 8 N.Y.C.R.R. §§100.2(1)(2)(ii)(e) and 100.2(1)(4).

3. Procedures for Removal

Removal of a Disruptive Student

Any teacher shall have the authority to remove a disruptive student, as defined herein Education Law §3214(2-a), from such teacher's classroom, consistent with corrective/discipline measures contained in this Code of Conduct. No student shall return to the said teacher's classroom until the Principal or his/her designee makes a final determination of the case, or the period of removal expires, whichever happens first. Each teacher must keep a complete log for all cases of removal of students and call the parents/guardians to inform them of the removal.

Short-term classroom management techniques, such as timeout in either the classroom or in an administrator's office are not considered removals from class. The removal process should not be a substitute for good classroom management.

Fair Notice of Reasons for Removal; Opportunity to be Heard

If the teacher finds the disruptive student's continued presence in the classroom does not pose a continuing danger to persons or property, yet does present an ongoing threat of

disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present his/her version of relevant events.

If the teacher finds that the disruptive student's continued presence in the classroom does pose a continuing danger to persons or property, the teacher may direct the student's immediate removal and an informal opportunity to be heard within twenty-four (24) hours after the student's removal.

Immediate Notice to Principal

In any case where a disruptive student is removed from a teacher's classroom, the teacher shall, as soon as possible, but no later than the end of the same school day, provide the Principal or his/her designee with a full written explanation of the basis for removal (on the appropriate form), providing the date, time, place, and details of all disruptive incidents, as well as the student's version of events, if any. If the Principal or his/her designee is not available by the end of the same school day, the teacher must leave the form with his/her secretary and meet with him/her prior to the beginning of classes on the next school day.

Notice to Parents/Guardians; Opportunity to be Heard

The teacher with the Principal shall inform the student's parents/guardians of the student's removal and reasons therefore within twenty-four (24) hours of the removal. The student and his/her parents/guardians, upon request, will be given an opportunity to an informal conference with the Principal and teacher to discuss the reason for removal.

If the student denies the charges, the Principal shall provide an explanation of the basis for the removal and allow the student and/or parents/guardians an opportunity to present the student's version of relevant events.

Review of Removal Decision

The Principal or his/her designee shall review the teacher's decision to remove the student. The Principal or his/her designee may not set aside the teacher's decision unless the Principal or his/her designee finds that the charges against the student are not supported by "substantial evidence," or that the student's removal is otherwise in violation of law, or the conduct warrants suspension from school pursuant to this section and suspension will be imposed.

The phrase "substantial evidence" shall mean a rational basis in the documents presented and other statements made to the Principal or his/her designee by the teacher, such that a reasonable mind would accept as adequate proof that the student was, in fact, "disruptive," as earlier defined. The Principal's or designee's determination must be made by the close of business on the day succeeding the twenty-four (24) hour period for an informal hearing.

Alternative Instruction

A teacher who directs that removal of a student from his/her classroom shall provide assignments and/or make other provisions for the continued educational programming and activities for such student.

Consistency with Other Laws

Nothing contained in this Code of Conduct shall authorize the removal of a pupil in violation of any state or federal law or regulation.

STATUTORY REFERENCE: Education Law §§2801(2)(E); Education Law 3214, subdivisions(2-a) and (3-a); Federal Law IDEA; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(e).

XVI. STUDENT SEARCHES AND INTERROGATIONS

To ensure the school learning environment is safe federal and state laws authorize that school officials may conduct searches with “reasonable suspicion” on school property and at school functions. School administrators and the school officials may conduct student searches. These searches may include the student, as well as the student’s belonging. Students are not entitled to a “*Miranda*” – type warning before being questioned by school officials, nor are school officials required to contact a student’s parents/guardians before questioning the student. However, they should explain to the student the reason for the search and questioning.

Students do not have exclusive use of their lockers, desks, and other school storage places. Students have no reasonable expectations of privacy with respect to these places, as school officials retain complete control over them. This means that students’ lockers, desks, and other storage places may be subject to search at any time, without prior notice to students, without their consent, and without “reasonable cause”.

If an illegal or dangerous item is found during a search either the Superintendent or his/her designee will maintain control and custody of it.

Law Enforcement Involvement

LCS officials are committed to cooperating with law enforcement agencies to maintain a safe school environment. Law enforcement officials have restricted authority to interview or search students in school or at school functions or to use school facilities in connection with their work. Law enforcement officials may enter school property or a school function if they have a search warrant, a crime is reported, or if they were invited by school officials.

Before law enforcement officials are permitted to question or search any student, the Superintendent or his/her designee will notify the student's parents/guardians. The Superintendent or his/her designee will also be present during any law enforcement questioning or search of a student on school property or at a school function.

Child Protection Services Involvement

LCS is committed to keeping students safe from harm. With 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, LCS will cooperate with the child protective workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

Requests by child protective services to interview a student on school property shall be made directly to either the Superintendent or Principal or a designee of either of them. The Superintendent or Principal or a designee for either of them shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the child protective service worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the child is in imminent danger of abuse if he/she were not removed from school before a court order can reasonably be obtained. If the worker conveys this belief that the student would be subjected to imminent danger of abuse, the worker may remove the student without a court order and without parental consent.

STATUTORY REFERENCE: Education Law §§2801; Education Law §3209; Social Service Law, Article 10; Family Court Act §§301.2, 380 and Article 10; Criminal Procedure Law §§380.90 and 720.35; 8 N.Y.C.R.R. §100.2.

XVII. STANDARDS AND PROCEDURES TO ASSURE SAFETY

LCS standards and procedures for assuring the security and safety of students, visitors, teachers, staff members, and administrators are set forth in the District-Wide School Safety Plan. Copies of this plan are available for inspection by the public at the District Office with the exception of those portions of the plan which are confidential.

STATUTORY REFERENCE: Education Law §2801; Education Law §3214; Federal Law IDEA; 8 N.Y.C.R.R. §100.2.

XVIII. COMPLIANCE WITH LAWS OF STUDENTS WITH DISABILITY

LCS recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities or suspected of having disabilities to address disruptive or problem behaviors. LCS also recognizes that students with disabilities or suspected of having disabilities have certain procedural protections whenever discipline is imposed upon them. LCS is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations, including but not limited to Education Law §3214. School administrators will comply with Education Law §3214(g) and other applicable law when disciplining students with disabilities, as well as those students suspected of having disabilities. Teachers shall refer a student whose behavior is “repeatedly disruptive of the educational process” or “substantially interferes with the teacher’s authority over the classroom” to the Committee on Special Education (CSE) for functional behavioral assessment and the development of a behavior plan, or if such a plan is in existence a review of it.

STATUTORY REFERENCE: Federal Law IDEA; Education Law §§2801; Education Law §3214(3)(g); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(g).

XIX. PROHIBITED CONDUCT AND DISCIPLINARY MEASURES

Possession or Use of Illegal Substances

The possession, use, manufacture, sale and/or distribution of alcohol or other drugs, or being under the influence of alcohol or other drugs, on school property or at school functions is prohibited. The possession of drug paraphernalia and/or alcoholic beverage containers on school property and at school functions is also prohibited. However, the authorized and appropriate use of prescription and over-the-counter drugs shall be permitted, provided that the school nurse administers all drugs prescribed for a student by a physician or other health care provider.

Any staff member observing the possession, use, manufacture, sale and/or distribution of alcohol, drugs, and/or other banned substances by student(s) on school property and at school functions shall report the incident immediately to a school administrator. The administrator will then take the appropriate actions, which will include a search. Any alcohol, drugs, and/or other banned substances found shall be confiscated immediately. Next, the student’s parents/guardians will receive notification. If necessary, the school nurse will visit with the student. The administrator will then take the appropriate disciplinary action, which may result in up to and include a permanent suspension and referral for prosecution.

STATUTORY REFERENCE: Education Law §2801(2)(D); 8 N.Y.C.R.R. §100.2(1)(2)(ii)d.

Possession or Use of Weapons

While on school grounds and at school functions, the possession and/or use of the items are prohibited including but not limited to:

- Any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.
- Frame or receiver of any weapon described above.
- Any firearm and/or firearm muffler or silencer
- Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four (4) ounces, a missile having an explosive or incendiary charge of more the one-quarter ($\frac{1}{4}$) ounce, a mine, or other similar device.
- Knives, box cutters, or items used in a comparable manner

In addition, look-a-like fire arms and dangerous weapons or instruments capable of causing physical injury and/or death are prohibited. Any staff member observing the possession and/or use of the aforementioned items by student(s) on school property and at school functions shall report the incident immediately to a school administrator. The administrator will then take the appropriate actions, which will include a search. If any of the aforementioned items are found they shall be confiscated immediately. Next, the student's parents/guardians will receive notification. The administrator will then take the appropriate disciplinary action, which may result in up to and include a permanent suspension and referral for prosecution.

STATUTORY REFERENCE: Education Law §§2801(2)(D); Education Law§3214(2-a); Gun Free School Act, 18 U.S.C. §921 and 20 U.S.C. §8921.

Use of Physical Force

The following acts shall be prohibited: assault; fighting; act of violence upon a teacher, staff member, and/or administrator, and/or act of violence upon another student and/or visitor. The administrator will then take the appropriate disciplinary action, which may result in up to and include a permanent suspension and referral for prosecution.

STATUTORY REFERENCE: Education Law §2801(2)(D).

Vandalism

A student shall be subject to corrective/disciplinary action for knowingly and intentionally defacing, damaging or destroying the personal property of a teacher, administrator, other school district employee, fellow student, or any person lawfully on school property or at a

school function, and/or knowingly and intentionally defacing, damaging or destroying any school property.

STATUTORY REFERENCE: Education Law §2801(2)(D).

Violation of Another Student's Civil Rights

LCS is committed to ensuring the rights of all students. LCS prohibits harassment, including but not limited to the following forms:

- Age
- Gender/Sex
- Sexual Orientation
- Race
- Creed
- Color
- Nationality
- Disability-related

STATUTORY REFERENCE: Education Law §2801(2)(D).

Harassment and Threats of Violence

All harassment, bullying, and threats of violence are prohibited. Any student who makes any threat, while on school property or at a school function to use any instrument that appears capable of causing physical injury and/or death, is deemed a “violent student,” and must be referred to the Principal or Superintendent or a designee for either of them for appropriate corrective/disciplinary actions.

STATUTORY REFERENCE: Education Law §2801; Education Law §3214(2-a); 8 N.Y.C.R.R. §100.2(1)(2)(II)(d).

XX. REPORTING OF VIOLATIONS TO SCHOOL ADMINISTRATORS

All school staff members are required to report violations of the Code of Conduct to either the Principal or Superintendent or a designee of either of them, as soon as practicable. Such reports shall be made in writing, on the form prescribed for such violations. The Principal or Superintendent or a designee for either of them shall have discretion to determine the appropriate level of response to any such report, including the filing of a criminal report.

STATUTORY REFERENCE: Education Law §2801(2)(F); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(f).

XXI. PARENTAL NOTIFICATIONS

In a case where a student is removed from a class or suspended from school, the specific provisions of this Code of Conduct govern the procedures for notifying student's parents/guardians of the alleged violation. In all other cases, the school administrators shall have the discretion in determining the circumstances under and procedures by which student's parents/guardians are to be notified of violations of the Code of Conduct.

STATUTORY REFERENCE: Education Law § 2801(2)(I); 8 N.Y.C.R.R. §100.2(1)(2)(ii)(i).

XXII. NOTICE TO LOCAL LAW ENFORCEMENT AGENCIES

School administrators shall have the discretion to determine the appropriate level of response to any other report of criminal wrongdoing, including the filing of criminal reports, except where otherwise specified in this Code of Conduct. School administrators shall promptly report to the local law enforcement agency any evidence of "child abuse in an educational setting."

STATUTORY REFERENCE: Education Law §§1125-1129; Education Law §2801; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(h).

XXIII. PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT

LCS shall prohibit the use of corporal punishment against a student. Corporal punishment is any act of physical force upon a student for the purpose of punishing the student.

Reasonable physical force may be used by staff in the protection of oneself and others from physical injury, protection of property, and as a last resort to restrain or remove disorderly students whose behavior is interfering with the ordinary exercise and performance of district functions. Reasonable physical force is defined as that minimum force necessary to restrain a student from harmful conduct.

STATUTORY REFERENCE: Education Law §2801; 8 N.Y.C.R.R. §19.5(a), §§19.5(b)(c), and 100.2(1)(3)(i).

XXIV. PROCEDURES FOR FILING CRIMINAL, JUVENILE DELINQUENCY, AND PERSON IN NEED OF SUPERVISION (PINS) PROCEEDINGS

School administrators may refer the following students to Jefferson County Department of Social Services, the County Attorney's Office, or presentment agency:

1. Students who have been habitually truant or tardy and have not attended school as required by Education Law;
2. Students who are incorrigible, ungovernable, or habitually disobedient and beyond the control of parental or other lawful authority;
3. Students who are suspected to have committed a crime on school property or at a school function.

STATUTORY REFERENCE: Education Law §2801(2)(J); Family Court Act Article 7, 8 N.Y.C.R.R. §100.2(1)(2)(ii)(i).

XXV. PROCEDURES FOR REFERRAL TO HUMAN SERVICE AGENCIES

Child Abuse and Maltreatment

LCS is obligated under Education Law §3209, to report all cases of child abuse and maltreatment, pursuant to Title Six, Article Six, of the Social Service Law and Article 10 of the Family Court Act.

Designated Educational Official

The LCS Board of Education shall appoint the LCS "Designated Educational Official," or DEO. The DEO shall receive notifications from the criminal and family courts regarding students who are adjudicated as youthful offenders, juvenile delinquents or persons in need of supervision (PINS). The information contained in such notification shall be deemed confidential, and shall be kept separate and apart from the student's school records. Such information shall be accessible only by the DEO, except as necessary to coordinate the student's participation in programs which may exist in the school district or community, i.e., for the following purposes:

1. Execution of the student's educational plan;
2. Successful school adjustment and re-entry into the community;
3. Coordination of the student's participation in school or community programs such as non-violent conflict resolution programs, peer mediation programs, youth courts, and extended day programs. Such information must be destroyed when the student is no longer enrolled in the school district.

STATUTORY REFERENCE: Education Law §§2801; Education Law §3209; Social Service Law, Article 10; Family Court Act §§301.2, 380 and Article 10; Criminal Procedure Law §§380.90 and 720.35; 8 N.Y.C.R.R. §100.2.

XXVI. BILL OF RIGHTS AND STUDENTS' RIGHTS AND RESPONSIBILITIES

The LCS Board of Education assures students that they shall have all the rights afforded to them by federal and state statutes, as well as the commensurate responsibilities. LCS recognizes all federal, state, and local laws in connection with these rights. LCS district also reminds students of their responsibilities which accompany these rights.

LCS is committed to providing students with a safe, structured, and respectful learning environment. LCS is intent on providing opportunities which stimulate and challenge students' interests and abilities to reach their highest potential. These opportunities will be available as long as students conduct themselves in an appropriate manner and do not infringe upon the rights of others.

Students shall be given due process, and shall have other rights, as set forth in Education Law and other legal authorities. Included among these rights are the right of the student to present his/her version of relevant events to teachers and other school officials in connection with his/her removal from a classroom, or suspension from school, or imposition of any other sanction for which some form of due process is legally required. The Code of Conduct shall be explained to students on an annual basis.

It shall be the right of all LCS students to:

1. have a safe, healthy, orderly and courteous school environment;
2. take part in all district activities on an equal basis regardless of race, creed, sex, sexual orientation, nation or ethnic origin, religious heritage or disability;
3. attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. have school rules and conditions available for review and whenever necessary, explanation by school personnel;
5. be suspended from instruction only after his or her rights pursuant to Education Law Section §3214 have been observed;
6. in all disciplinary matters, to have the opportunity to present his or her version of the facts and circumstances leading to imposition or disciplinary sanctions to the professional staff member imposing such sanction; and
7. refuse to submit to a survey, analysis, or evaluation that reveals information concerning:
 - a. political affiliations;
 - b. mental and psychological problems potentially embarrassing to the student or his/her family;
 - c. sex behavior and attitudes;
 - d. illegal, antisocial, self-incriminating and demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged relationships, such as those of lawyers, physicians, and ministers; or
 - g. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such

program); without the prior written consent of the student, if over 18 years of age, or without the prior written consent of the parent/guardian for those students under 18 years of age. However, such survey, analysis or evaluation may be conducted on a wholly voluntary basis, provided that the student and his/her parent/guardian have been notified of their rights and of their right to inspect all materials related to the above. All instructional material, including teachers' manuals, films, tapes or other supplementary instructional material to be used shall be available for inspection by the parents or guardians of the children.

It shall be the responsibility of all LCS students to:

1. Be familiar with and abide by all district policies, procedures, rules, and regulations pertaining to student conduct;
2. Work to the best of his or her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. Conduct himself/herself, when participating in or attending school-sponsored extracurricular events, such to hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions, as a representative of the district and accept responsibility for his/her actions;
4. Seek help in solving problems that might lead to discipline procedures;
5. Contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property;
6. Make constructive contributions to the school, and to report fairly the circumstances of school-related issues;
7. Be polite, be respectful, and do his/her best.

In summary, students shall have the responsibility of being familiar and complying with the Code of Conduct at all times, as well as other LCS District policies and requirements.

STATUTORY REFERENCE: Education Law §2801; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(n).

XXVII. IN-SERVICE EDUCATION

All school employees shall be provided with in-service education regarding the terms and procedures set forth in this Code of Conduct, as well as annual school safety training for violence prevention and intervention.

STATUTORY REFERENCE: Education Law §2801(A)(2)(c); 8 N.Y.C.R.R. Parts 57-1 and 57-2; 8 N.Y.C.R.R. §100.2(1)(2)(ii)(o).

