

# CODE OF CONDUCT

## I. INTRODUCTION

The Lyncourt Union Free School District Board of Education (“Board”) is committed to providing a safe and orderly learning environment where students may receive and Lyncourt Union Free School District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other Lyncourt Union Free School District personnel, parents and other visitors is essential to achieving this goal.

Lyncourt Union Free School District has a long standing set of expectations for conduct on school property and at its functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, integrity, and the belief in the educational goals of the organization. The Board recognizes the need to clearly define these expectations for acceptable conduct on Lyncourt Union Free School District property, identify the possible consequences of unacceptable behavior, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“code”) and our school motto of Great Expectations for Achievement, Respect and Caring.

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on Lyncourt Union Free School District property or attending a Lyncourt Union Free School District function. The Lyncourt Union Free School District will henceforth be referred to as the Lyncourt School.

## II. DEFINITIONS

In accordance with the Dignity for All Students Act, Lyncourt Union Free School District policy and practice must ensure that no students is subject to discrimination or harassment, 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 on school property, on a school bus, or at a school function.

For purposes of this code, the following definitions apply.

**Disruptive student** means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

**Parent** means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

**Lyncourt School property** means in or within any building, structure, play area, parking lot or land contained within the real property boundary line of the Lyncourt School facility, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.5

**Lyncourt School function** means any Lyncourt School sponsored extra curricular event or activity.

**Violent student** means a student under the age of 21 who may be described by any of the clauses below:

1. Commits an act of violence upon a Lyncourt School employee.
2. Commits, while on Lyncourt School property or at a Lyncourt School function, an act of violence upon another student or any other person lawfully on Lyncourt School property or at a Lyncourt School function.
3. Possesses while on Lyncourt School property or at a Lyncourt School function a weapon.
4. Displays, while on Lyncourt School property or at a Lyncourt School function, what appears to be a weapon.
5. Threatens, while on Lyncourt School property or at a Lyncourt School function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any Lyncourt School employee or of any person lawfully on Lyncourt School property or at a Lyncourt School function. Knowingly and intentionally damages or destroys Lyncourt School property.

Weapon means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, 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 serious physical injury or death when used as a weapon.

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided,

however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

**Harassment** means 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 wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

**Under the Dignity Act, There are currently 11 protected classes, groups or characteristics. The Dignity Act prohibits any discrimination based on actual or perceived characteristics.**

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

### III. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

#### **With every right comes a responsibility.**

#### *It is the student's right:*

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

#### *It is the student's responsibility:*

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another, and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

## IV. ESSENTIAL PARTNERS

### Expectations for Parents

1. Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
2. Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
3. Insist their children be dressed and groomed in a manner consistent with the student dress code.
4. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
5. Know Lyncourt School rules and help their children understand them to maintain a safe, orderly environment in accordance with the District Code of Conduct.
6. Convey to their children a supportive attitude towards education and the District.
7. Build good relationships with teachers, other parents and their children's friends.
8. Work with our schools to maintain open and respectful communication.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are complete.
12. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

### Expectations for Teachers

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know Lyncourt School policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students.
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### Expectations for School counselor

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriately document teacher/student/counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with the students their educational progress, career plans and graduation requirements.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular
6. Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.

7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **Expectations for Student Support Service Personnel**

1. Support educational and academic goals.
2. Know Lyncourt School rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
7. Regularly review with students their educational progress and career plan.
8. Provide information to assist students with career planning.
9. Encourage students to benefit from the curriculum and extra-curricular programs/
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **Expectations for Other School Staff**

1. Follow the Code of Conduct; 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 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 students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **Expectations for Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

### **Expectations for the Superintendent**

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Lyncourt School Board about educational trends, including student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address all areas of school-related safety concerns.

### **Board of Education**

1. Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other Lyncourt School personnel 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.
2. Approve and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

### **Student Use of Electronic Communication Devices**

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner. Teachers, All Lyncourt Staff, and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

## **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for Lyncourt School programs. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other Lyncourt School personnel should exemplify and reinforce acceptable attire, and help students develop an understanding of appropriate appearance in the educational setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the education process.
2. Recognize that extremely brief midriff bearing garments such as tube tops, net tops, halter tops, spaghetti straps, plunging neck (front and/or back) and see-through garments are not appropriate; no pajamas.
3. Ensure that underwear is completely covered with outer clothing.
4. Use the rule of thumb. Shorts should be long and in good taste, at least thumb length when arms are down to the side.
5. Include footwear at all times, slippers are not appropriate. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of hats/visors or inappropriate head band use in the classroom except for a medical or religious purpose, or where it is part of a uniform.
7. Not include wearing of jackets, coats, gloves, other outdoor wear when school is in session.

8. Not include items that are vulgar, obscene, libelous, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation or disability.
9. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
10. Not include personal stereos, pagers, mobile phones or other electronic devices.

The building principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the academic year and any revisions to the dress code made during the academic 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 in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. PROHIBITED STUDENT CONDUCT**

The Lyncourt District Board expects all students to conduct themselves in an appropriate and civil manner per the District Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline. The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

### **A. Engage in Conduct That is Disorderly**

Examples of disorderly conduct include, but are not limited to:

1. Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noises, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
2. Obstructing vehicular or pedestrian traffic.
3. Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend without permission from the administrator in charge of the building.
4. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
5. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
6. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

### **B. Engage in Conduct That is Insubordinate**

Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other District employees or otherwise demonstrate disrespect.
2. Being late for school or class, missing or leaving school or class without permission, being unprepared for class.

### **C. Engage in Conduct That is Disruptive**

Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrate disrespect.
2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

### **D. Engage in Conduct That is Violent**

Examples of violent conduct include, but are not limited to:

1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other District employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
3. Engaging in harassing 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 well-being.
4. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using weapon(s).
8. Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.
9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

### **E. Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include, but are not limited to:

1. Lying, deceiving or giving false information to Lyncourt School personnel.
2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
5. Harassment, 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 wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.

8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
11. Selling, using, possessing or distributing obscene material.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
13. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
14. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
15. Gambling and gaming.
16. Inappropriate touching and/or indecent exposure.
17. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
18. Violating gender privacy when using school restroom facilities.

#### **F. Engage in Misconduct While on a School Bus**

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

#### **G. Engage in Any Form of Academic Misconduct**

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Altering a grade, any type of student or other records on paper or in electronic form.
4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

### **VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Any student observing a student possessing a weapon, alcohol or illegal substance on Lyncourt School property or at a LYNCOURT SCHOOL function shall report this information immediately to a teacher, a Lyncourt School administrator, or the superintendent. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The building Principal, or program supervisor must notify the appropriate local law enforcement agency of those code violation 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 learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime.

## VIII. DISCIPLINARY PROCEDURES AND PENALTIES

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

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

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

As a general rule, discipline will be progressive. This means that a student's subsequent violations will usually merit a stiffer penalty than the first violation. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### A. PENALTIES

Students who are found to have violated the Lyncourt School code of conduct may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the students right to due process.

1. Verbal warning - Any member of the Lyncourt School staff
2. Written warning - bus driver, hall and lunch monitors, teachers, principal, superintendent
3. Written notification to parent - bus driver, hall and lunch monitors, teachers, principal, superintendent
4. Detention - teachers, principal, superintendent
5. Suspension from transportation - principal, superintendent
6. Suspension from social or extracurricular activities - principal, superintendent
7. Suspension of other privileges - principal, superintendent
8. In-school suspension - principal, superintendent
9. Removal from classroom by teacher - teachers, principal, superintendent.
10. Short-term (five days or less) suspension from school - principal, superintendent, board of education.
11. Long-term (more than five days) suspension from school - principal, superintendent, board of education
12. Permanent suspension from school – superintendent, board of education.

### B. PROCEDURES

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the Lyncourt School personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the Lyncourt School personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

#### *1. Detention*

Teachers, principal 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. Detention will be imposed as a penalty only after the students' parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

## *2. Suspension from transportation*

If a student does not conduct himself/herself properly on a bus, the bus driver or bus aide is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent. 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, Lyncourt School 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 § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the conduct and the penalty involved.

## *3. Suspension from extracurricular and athletic activities and other privileges*

A student subjected to a suspension from extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Lyncourt School official imposing the suspension to discuss the conduct and the penalty involved.

## *4. In-school Suspension*

The Board recognizes that 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, program supervisors, and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education. The in-school suspension teacher will be a certified teacher or administrator. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## *5. Teacher removal of disruptive students*

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class, a forty minute period, for up to two days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.

The teacher must complete a Lyncourt School-established referral form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or supervisor prior to the beginning of classes on the next school day.

Within one school day after the student's removal, the principal, or another Lyncourt School administrator designated by the principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal, supervisor, or the designated administrator to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if Lyncourt School has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the principal, or the designated administrator must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

The principal, or the designee may overturn the removal of the student from class if the principal, supervisor, or designee finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal, or his or her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal, supervisor, or designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational program and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a Lyncourt School-provided form) for all cases of removal of students from his/her class. The principal, or supervisor must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal, supervisor 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. Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges, the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as 'time out' in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

#### *6. Suspension from school*

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent, and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared by the end of the school day 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.

- a. Short term (five days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §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 some other means that is reasonably calculated to assure receipt of the notice within 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 Lyncourt 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 parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

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 board of education with the district clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the commissioner of education. These appeals must be filed within 30 days of the decision.

If the situation warrants suspension from regular classes, the student may receive in-school or out-of-school suspension. A student receiving in-school suspension will spend time in the suspension room. The student must complete all his school work during this time. **THE STUDENT WILL ATTEND NO CLASSES, NOR ACTIVITIES THAT DAY INCLUDING AFTER SCHOOL AND EVENING EVENTS OR ACTIVITIES** (this includes: Teen Timers, recreation basketball, etc.). If a student is given at home suspension, it is the parents/guardians responsibility to supervise the student. The principal has the authority to suspend students for up to five days. In doing so, school district officials shall notify the parents or the person in parental relation to the student in writing that the student has been suspended from school and the notice shall be sent by means reasonably calculated to assure receipt within 24 hours of the suspension at the last known address of the parents or persons in a parental relation to the student. Where possible, notification shall also be provided by telephone. The notice shall provide a description of the incident(s) which resulted in the suspension and shall inform the parents or persons in parental relations, to the student of their right to request an immediate informal conference with the principal at which the parent or person in parental relations may ask questions of complaining witnesses. Continued infractions of school rules will result in from one (1) to five (5) days suspension. Any student who accumulates at least one (1) full day of school suspension (inschool or out-of-school) during either twenty (20) week semester **WILL NOT BE ALLOWED TO PARTICIPATE IN OFFSCHOOL CAMPUS ACTIVITIES** during that twenty (20) weeks. Off-school activities include class trips and picnics, but do not include field trips which are part of the school curriculum. Any student receiving at least one (1) day suspension may be recommended to meet at least one time with the school psychologist.

b. Long term (more than five days) Suspension from School

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

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

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 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 of Education within 30 days of the decision.

c. 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, Lyncourt School personnel or any other person lawfully on Lyncourt School property or attending a Lyncourt School function.

d. Minimum Periods of Suspension

1. Students who bring a weapon to Lyncourt School property or functions

Any student, other than a student with a disability, found guilty of bringing a weapon onto Lyncourt School property will be subject to suspension from Lyncourt School programs for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case by case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade placement.
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.

The superintendent is required to refer the following students to the county attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the family court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the criminal procedure Law.

The superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on Lyncourt School property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the criminal procedure law. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

3. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for a minimum of five days. 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 a hearing 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 weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school from 1-5 days. If the proposed penalty is the minimum 1-5 days, 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 short-term suspension. If the proposed penalty exceeds the minimum 1-5 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 weapon.

## **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The board of education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever Lyncourt 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 the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES**

1. For purposes of this section of the code of conduct, the following definitions apply.

A “**suspension**” means a suspension pursuant to Education Law § 3214.

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/herself or others.

An “**IAES**” means a temporary educational placement for a period of up to 45 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 (Lyncourt School) superintendent of schools or a building principal delegated the authority to suspend students 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 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 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 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 committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to 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.

1. **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except ... [for] a pocket knife with a blade of less than 2 1/2 inches in length.”
2. **“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 policy.
3. **“Illegal drugs”** 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.
4. 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 45 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.

## **B. CHANGE OF PLACEMENT RULE**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 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 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is 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.

## **C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**

1. The district’s committee on special education 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 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 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 school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee 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 school 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 such 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 non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. Lyncourt School 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/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.

4. The procedural safeguards notice prescribed by the commissioner of education shall accompany the notice of disciplinary removal.

5. 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.

6. 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 regulations of the commissioner of education incorporated into this policy.

7. 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.

8. During, any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the regulations of the commissioner of education incorporated into this policy.

#### **D. EXPEDITED DUE PROCESS HEARINGS**

1. An expedited due process hearing shall be conducted in the manner specified by the regulations of the commissioner of education incorporated into this policy, if:

- a. Lyncourt School 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 LYNLCOURT 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 Lyncourt School agree otherwise.

(2) If Lyncourt 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 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 business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. 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.

#### **X. CORPORAL PUNISHMENT**

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

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

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of Lyncourt School or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of Lyncourt School functions, powers and duties, if that student has refused to refrain from further disruptive acts. The district will file all complaints about the use of corporal punishment with the commissioner of education in accordance with commissioner's regulations.

#### **XI. STUDENT SEARCHES AND INTERROGATIONS**

The board of education is committed to ensuring an atmosphere on Lyncourt School property and at Lyncourt School functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of miranda-type warning before being questioned by Lyncourt School officials, nor are Lyncourt School officials required to contact a student's parent before questioning the student. However, Lyncourt School officials will tell all students why they are being questioned.

In addition, the board authorizes Lyncourt School nurses, principals, program supervisors, and teachers to conduct searches of students and their belongings if the authorized Lyncourt School official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized Lyncourt 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 Lyncourt School official has a legitimate reason for the very limited search. An authorized Lyncourt School official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the Lyncourt School employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Lyncourt School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Before searching a student or the student's belongings, the authorized Lyncourt School official should attempt to get the student to admit 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.

### **A. Student Lockers, Desks and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places.

Students have no reasonable expectation of privacy with respect to these places and Lyncourt School officials retain complete control over them. This means that student lockers, desks and other Lyncourt School storage places may be subject to search at any time by Lyncourt School officials, without prior notice to students and without their consent.

The official performing the search shall be responsible for promptly recording the following information about each search:

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

The principal shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal shall retain control of the items, unless the items are turned over to the police. The principal or supervisor shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **B. Police Involvement in Searches and Interrogations of Students**

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

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

Before police officials are permitted to question or search any student, the building principal or program supervisor shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, by the principal or supervisor as soon thereafter as possible. The principal or supervisor will also be present during any police questioning or search of a student on LYNLCOURT School property or at a Lyncourt School function. Students who are questioned by police officials on Lyncourt School property or at a Lyncourt School function will be afforded the same rights they have outside the school. This means:

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

### **C. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of Lyncourt School officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on Lyncourt School property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the Superintendent. The Superintendent shall set the time and place of the interview. The Superintendent shall decide if it is necessary and appropriate for a Lyncourt 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 or her clothing in order for the child protective services worker to verify the allegations, the nurse or other Lyncourt School medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or district official of the opposite sex.

A child protective services worker may not remove a student from Lyncourt School property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from Lyncourt School property before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **XII. VISITORS TO SCHOOLS**

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

1. Anyone who is not a regular staff member or student of the school or program will be considered a "visitor."
2. All visitors to the Lyncourt School facility must report to the main office, upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office before leaving the building.
3. Visitors attending Lyncourt School functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), and principal so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or program supervisor. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.
7. All visitors are expected to abide by the rules for public conduct on Lyncourt School property contained in this code of conduct.

## **XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Lyncourt School 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 Lyncourt School property and at Lyncourt School functions.

The restrictions on public conduct on Lyncourt School property and at Lyncourt School functions contained in this code are not intended to limit freedom of speech or peaceful assembly. Lyncourt School 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.

## **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, Lyncourt School programs or other Lyncourt School activities.
4. Distribute or wear materials on Lyncourt School grounds or at Lyncourt School functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational programs.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the Lyncourt School premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on Lyncourt School property or at a Lyncourt School function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by Lyncourt School district.
11. Loiter on or about Lyncourt School property.
12. Gamble on Lyncourt School property or at Lyncourt School functions.
13. Refuse to comply with any lawful order of identifiable Lyncourt School district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on Lyncourt School property or while at a Lyncourt School function.

## **B. PENALTIES**

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

1. Visitors. Their authorization, if any, to remain on Lyncourt School grounds or at the Lyncourt 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. If necessary, law enforcement officials may be called to assist in this ejection.
2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and 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 4 and 5. They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. ENFORCEMENT**

The superintendent and/or his/her designee shall be responsible for enforcing the conduct required by this code. The superintendent may designate the other Lyncourt School district staff who are authorized to take action consistent with the code.

When the superintendent or his/her designee(s) 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 designated school official shall tell the individual that the conduct is prohibited, and attempt to persuade the individual to stop. The school official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official shall have the individual removed immediately from Lyncourt School property or the Lyncourt School function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The Lyncourt School 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.

#### **XIV. DISSEMINATION AND REVIEW**

##### Dissemination of Code of Conduct

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

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Making copies of the Code available to all parents at the beginning of the school year.
4. Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

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

The Board of Education, via a committee of representative stakeholders, will review this Code of Conduct 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 Code of Conduct 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. The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District’s website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.