

# Managing Student Behavior

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## Social and Emotional Learning

LACS' social and emotional learning is centered upon the belief that it is essential for our school to develop the whole child by creating ethical, responsible and caring young people who will be the future leaders of the world. SEL cultivates the mind and nurtures the heart. We will model and teach good character by emphasizing universal values that are shared among cultures around the world. Our SEL program will be literature based and include many opportunities for students to engage in meaningful dialogue, reading and writing about each SEL component and our Core Values.

Good character is not formed automatically. It is developed over time through the process of teaching, example, learning and practice. It is developed through character education. This involves exposing students to literary and historical archetypes that epitomize the virtues that we value and encouraging students to apply the lessons learned to their everyday lives.

The intentional teaching of good character is particularly crucial in today's society since our students face many opportunities and dangers that were unknown to us and earlier generations. Students are exposed to many more negative influences through the media and other external sources prevalent in today's culture. It is our moral and social responsibility to counteract these negative influences by teaching character.

## Recognition of Student Achievement

LACS will have three *Achievement Ceremonies* during the academic year. Each ceremony will take place during the close of a marking period. Students will be recognized for achievement in each subject area, for improvement as well as for overall achievement.

The criteria for earning an award for a specific subject are as follows:

- 90% or higher average on math and literacy interim assessments
- Average proficiency level of 86% on written assessments and 90% average on quizzes/end of unit exams

### **Excellence**

- No grade lower than a 90 in all subjects
- Average of 95-100
- Above grade level according to I-Ready and Reading A to Z

### **First Honors**

- No grade lower than a 90
- Average of 90-94
- On grade level or above according to I-Ready and Reading A to Z

### **Second Honors**

- No grade lower than a 86
- Average of 86-89
- On grade level or above according to I-Ready and Reading A to Z

### **Most Improved**

- The student that has the greatest overall gains in a given subject area

### **School-Wide Behavior Management System**

At LACS, we believe in mutual respect, compassion for others and self-discipline. Universal rules have been adopted to maintain an environment where students can develop academically and socially. Each teacher is responsible for adhering to the school-wide management systems and consistency of those systems in his or her classroom. Classroom management systems are in place to reinforce positive behaviors, promote a productive learning environment, and to foster a strong classroom culture to support our school vision of preparing students for middle school, high school, college and life.

### **Assertive Discipline**

LACS has adopted *Assertive Discipline* as our behavior management philosophy. Assertive discipline is a structured, systematic approach designed to assist educators in running an organized, teacher-in-charge classroom environment. Assertive discipline is based on the premise that teachers have the right to determine what is best for students and to expect compliance in regards to behavioral and academic expectations. No student should prevent a teacher from teaching, or keep another student from learning. Behavioral compliance is imperative in creating and maintaining an effective and efficient learning environment. To accomplish this goal, we must react assertively, as opposed to aggressively or non-assertively.

- We will react confidently and quickly in situations that require us to manage student behavior.
- We will have very clear rules that will be explained, practiced and reinforced consistently.
- We give firm, clear and concise directions to students that need additional guidance to behave appropriately.
- We will reinforce and reward students that adhere to rules and provide consistent consequences to students who do not adhere to the rules.
- We will be firm in our tone without being abrasive, sarcastic or hostile.

### **Universal School-Wide Behavioral Expectations**

Respect yourself and others by...

1. Asking permission before you touch others and their belongings.
2. Asking permission before you leave your designated area (i.e. classroom, special class, auditorium...)
3. Using please, thank you and other kind words.
4. Listening to others with your eyes and ears.

5. Following the directions of LACS staff members the first time they are given.
6. Sharing community property.

At LACS, we realize that different locations call for a different set of behavioral expectations. During the first two weeks of school, teachers will teach and model the behavioral expectations for the following locations:

### **Hallways**

- Keep yourself and others safe by not running.
- Respect the learning environment of others by using a quiet mouth, hands and feet.
- Go straight to your destination- no loitering.
- Travel with a pass to indicate where you are going; do not travel in the hallway without permission.
- Keep all body parts off of the walls and bulletin boards.

### **Cafeteria**

- Clean up after yourself.
- Always walk during lunch.
- Always keep your hands, feet and other personal objects to yourself.
- Restaurant talk at your lunch table.
- Eat properly and use good manners.
- Always remember not to share food with others.
- Stay seated while you are eating.
- Wait quietly on the lunch line.
- Remain seated until your grade is called to line up.

### **Bathrooms**

- Respect yourself and others by not looking under bathroom stalls.
- Wait outside quietly if there are more than two people in the bathroom.
- Use the bathroom quickly and quietly; flush the toilet when you are done.
- Wash your hands before you leave the bathroom.
- Keep the bathroom clean by throwing away paper towels, turning off the faucet and not spraying water or playing with soap when you are washing your hands.
- Tell a staff member when there is a mess or if equipment is broken.
- During academic times, travel to the bathroom with a pass.

### **Outside**

- Never leave the playground without permission.
- Never touch parked cars.
- Remain within your assigned area.
- Line up quickly and quietly when you hear the lineup signal.
- No fighting!

LACS is committed to recognizing and rewarding students that demonstrate good citizenship. Students will receive individual and group rewards for exhibiting good character.

### **Individual**

- Acknowledgement tied to a specific behavior
- Scholar of the Month
- Most Virtuous Citizens (Monthly)
- Invitation to Special Events/Auctions (Socials)
- Quarterly Achievement Ceremonies

### **Group**

- 25 points equals special treat
- 35 points equals special treat
- 50 points equals bronze medal and ice cream or tea party
- 100 points equals a silver medal movie afternoon
- 150 points equals a gold medal and dress down day
- 200 points equals a platinum medal, pizza party and dress down day

### **Consequences**

LACS believes in a balance between consequences and rewards. We will use a point system to monitor behavior; this point system will help students regulate their own behavior as well. Students who do not adhere to the school's behavioral expectations will progress through the hierarchy of consequences. Students will receive a verbal warning tied to specific behaviors before they receive a class removal and dean referral. Please note that this applies to Level I behaviors. Please refer to the Infractions Chart for a comprehensive list of infractions.

### **Detention**

A student that receives a dean referral before recess will receive detention during recess. He/she will eat lunch away from his/her class and remain indoors and not participate in recess. The Guidance Counselor, the Parent Liaison and another member of the staff will monitor students. Students will receive a *Detention Form* that describes the reason(s) for detention. Each student will have to explain his/her action in writing or by drawing as well as describe what he/she will do differently in the future. The *Detention Form* will be sent home for parents to sign; the form must be returned to school the following day. A mandatory parent meeting will be held after a student receives detention five times. Detentions will be factored into progress reports and report card grades.

### **Behavioral Expectations**

- Students must be silent and actively work on the detention reflection activity.
- Students must refrain from any communication including passing notes.
- Students may not sleep or slouch.
- Students must bring all necessary work materials to detention.

- Students who are sent out of detention for any misbehavior will be given an additional detention (this includes but is not limited to talking and not following directives).

### **Severity Clause**

Based on the severity of a dean referral, LACS reserves the right to bypass the ladder of consequences. Students can receive one of the following consequences listed below for excessive *dean referrals*.

- Loss of Privileges (i.e. field trips, special events and class celebrations)
- In-School Suspension
- Out-of-School Suspension

In addition, if a student's behavior is severely disrupting the learning environment a special team will be dispatched to his/her classroom to remove him/her immediately and the parent/guardian will be notified and the student must be picked up immediately.

### **Removal from Class**

Students will only be removed from class when they are seriously disrupting the academic environment. This should be a rare occurrence. If a student is removed from class, this represents a true emergency situation. The following is a list of the type of very serious behaviors that would warrant removal from class:

- Egregious Physical Outburst (turning over a desk & throwing a heavy object at a person)
- Swearing or screaming directly *at* a teacher or student in an aggressive way
- Physical aggression/fighting
- Defiantly walking/running out of class
- Melt down/temper tantrum
- Continued deliberate disruption of the learning environment

In the event that a student needs to be removed from class, he/she will be removed by the Guidance Counsel, Principal or Dean. The parent/guardian will be notified regarding the consequences for the infraction(s). A parent meeting will be requested.

### **Level III Infractions-Automatic Suspension**

Students will receive an automatic referral to the Principal and suspension for up to three days for engaging in the following activities:

- Fighting
- Hitting a student or teacher
- Endangering others by throwing heavy objects (i.e. desks, chairs, textbooks...).
- Repeated insubordination
- Theft of student/teacher materials
- Possession or use of illegal substances

The chart on the following pages outlines consequences for specific behaviors (Levels I-III). Please be advised that Level III infractions will also result in an automatic class removal detention, parent notification via telephone and/or letter. In addition, a student may receive one or more of the following consequences.

- Loss of special privileges
- In school suspension
- Out of school suspension
- Community Service

## Infraction Chart – adapted from Achievement First, Bushwick

Off Task Behavior			
Redirect	Level I	Level II	Level III
	<b>Verbal Redirection</b>	<b>Dean and Detention Referral</b>	<b>Immediate Principal/Dean Referral</b>
Hand on chin, touching head	Any behavior that is not corrected after a verbal warning and/or redirection	Out of seat without permission after being told to remain seated previously	Refusing to complete classwork
Sitting sideways	Going in backpack without permission		
Leaning on forearm	Calling out after expectation to raise hand		
Swinging legs or tapping foot mindlessly	Talking without permission to a team member during silent expectation		
Greeting visitor (turned around and work stopped)			
Head down on desk			
Turned around in seat			
Off task conversation during small group discussion			
Disrespect to Others			
Redirect	Level I	Level II	Level III
	Verbal Redirection		
Not showing eye contact during a 1:1 conversation	Repeatedly not showing eye contact	Laughing/giggling at someone who is being disciplined	A disrespectful or insulting comment
Tapping/Playing with pencil on desk	Continuation of tapping or humming	Non-compliance to a direction (clarification to behavior/instruction)—after wait time/count time/time limit—defiance	Fleeing from classroom or other space occupied by class (including outdoor spaces or Embassy Hall)
Humming	Walking slowly after being asked ...	Ordering another student around rudely (not aligned with overall classroom culture/expectations)	Walking out of class without permission
	Moving slowly after a direction	Being rude (purposeful ignorance)	
	Excessively slow responses	Poor reaction to someone being praised	Public, high visible blow up
	Purposefully isolating another student (not passing papers/not standing next to scholar/withholding courtesy)	Mocking others-teacher/Name calling	
	Touching another's scholars materials without permission	Engaging others while being corrected	Threatening gestures
	Not meeting expectations after a time limit has been set	Arguing a consequence/Talking back after a consequence	Any verbal or written treat
	Poor reaction to not understanding or agreeing with someone's verbal answer (What?, OMG,)	Poor body language: Rolling eyes, smacking teeth, shaking of head, shrugging shoulders, crossing arms, stomping, glaring, scowling, pouting (in response to a correction)	
		Rolling eyes	Bathroom without permission
		Laughing/Giggling at another student's answer	Any hands on behavior (including play fighting)
		Laughing /giggling at a mistake	Cheating
		Throwing something toward someone (underhand)	
		Smirking, laughing while being reprimanded; not taking the situation seriously with focus	
		Encouraging others wrong doing	

## Infraction Chart – adapted from Achievement First, Bushwick

Off Task Behavior			
Redirect	Level I	Level II	Level III
	Verbal Redirection	Dean and Detention Referral	Immediate Principal/ Dean Referral
Hand on chin, touching head	Any behavior that is not corrected after a verbal warner and/or redirection	Out of seat without permission after being told to remain seated previously	Refusing to complete classwork
		Mildly disrespectful tone of voice (raising voice volume or tone at a classmate or teacher)	
		Dishonesty----denial of one of these	
		Taunting someone	



Improper Language			
Redirect	Level I	Level II	Level III
	Color Change	Automatic Detention	Immediate Principal/ Designee Referral
			Directed at someone
	Whining	"Freakin"	Damn
	Shut up (playful or conversational use, not at a person)	"Friggin"	Dummy
		Hell	Any sexual profanity
		Crap	Stupid
		"What" "What the..."	Ugly
		Damn	Pissed off (directed at or about someone, i.e. "She pisses me off!")
		Dummy or other insults to classmates	Any words you can't say on primetime TV ("S**t," "F**k," "B***h," etc.) Including their abbreviations ("F U")
		"Pissed off" (as expressions of emotion or conversational language)	Any hate language (discrimination) against a group of people (i.e. race, religion, sexuality, or gender) (including "You terrorist")
		Telling teammate to "shut up" or similar	Any sexual innuendos/gestures
		"This sucks" or "This blows"	Middle finger in the air (or other threatening gestures)
Disrespect to School Property			
Redirect	Level I	Level II	Level III
	Color Change	Automatic Detention	Immediate Principal/ Designee Guidance Counselor Referral
	Writing on white board without permission	Non-permanent defacement of school property	Taking and returning materials/books without permission
	Student throws a ball of paper into the trash from a few feet away.	Leaving a mess/Littering	Any Vandalism
	Tossing or grabbing materials	Disrespect books or binders	Permanent damage and/or repair requires serious attention or repurchase
		Destruction of school pass	Any Graffiti
		Throwing an object in the trash or to a peer in any way that that is unprofessional, potentially unsafe, or could create a mess.	Any damage destruction of school property
		Non-permanent defacement of school property	
Disruptive Behavior			
Redirect	Level I	Level II	Level III
	Color Change	Automatic Detention	Immediate Principal/ Designee Referral
Tapping fingers on desk or fidgeting	Playing with supplies	Making eyes during instruction	Throwing school supplies
Not tracking teacher or classmates	Shaking desk or chair	"Putting on a show"	Fleeing classroom
Whistling	Intentionally distracting others	In hallway without permission (no pass)	Screaming or raising voice in anger or frustration
Humming, noises	Not meeting expectations after a time limit	Running in the hallways	Weapons
	Calling out after expectation to raise hand	Loss or damage of school property	Illegal substances
	Out of seat without permission		

	Not tracking/silent after attention cue		
	Swinging leg in a way that kicks someone else's chair/backpack		
	Not meeting expectations after a time limit		

## Student Searches

The school authorizes the Principal and the Principal's designee(s) to conduct searches of students and their belongings. If the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school's Code of Conduct or otherwise constituted a threat to the health, safety, welfare, or morals of the school, other students, school personnel, or any other person lawfully on school property or attending a school function, a search will be conducted. In authorizing searches, the school acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the school's 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. School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such search. Reasonable individualized suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon, among other things, the student's age, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search, and the probative value and reliability of information used as justification for the search.

Students have no reasonable expectation of privacy rights in school lockers, desks, or other school storage places. The school exercises overriding control over such school property, which may be opened and subjected to inspection at any time by school officials.

### ***Procedures for Disciplinary Action: Consequences other than Suspension or Expulsion***

If a student commits an offense that calls for the assignment of a time-out, detention, school service/cleaning or other in-school disciplinary action (other than in-school suspension), any staff member may impose an appropriate consequence. When this occurs:

- The staff member addresses the conduct and assigns an appropriate consequence
- The staff member may refer the matter to the Dean and Principal for review and possible additional disciplinary action

- Consequences are implemented at the discretion of the Principal or his/her designee(s)
- If necessary, the student is removed from class
- If the incident is not resolved or occurs again, further disciplinary action is taken; a parent or guardian may be required to meet with the Principal or his/her designee(s) regarding infractions prior to a student's return to school.

## Suspension Procedures

### ***Procedures and Due Process for Disciplinary Action: Short-Term Suspension***

If a student commits an offense that calls for short-term suspension (10 days or fewer), the student is given the due process rights required by *Goss v. Lopez*, 419 U.S. 565 (1975). Such student is subject to the following:

- If necessary, the student is immediately removed from class and/or school;
- The student is entitled to respond to the charges against him/her;
- The Principal or his/her designee addresses the conduct and assigns an appropriate consequence;
- The parent/guardian is notified by the Principal or his/her designee; and a parent or guardian may be required to meet with the Principal or his/her designee(s) regarding infractions prior to a student's return to school.

### ***Procedures and Due Process for Disciplinary Action: Long Term Suspension or Expulsion***

**If a student commits an offense that calls for long-term suspension (more than 10 days) or expulsion, the following steps are taken:**

- **If necessary, the student is immediately removed from class and/or school;**
- **The parent/guardian is notified by the Principal or his/her designee;**
- **The school sets a hearing date;**
- **The student and/or his parent/guardian are notified in writing of the charges and a statement of the evidence; date, time and place of a hearing; and notice of the right at the hearing to be represented by legal counsel (at the student's/parent's own expense) and present evidence and question witnesses;**
- **After hearing the case, the Principal or his/her designee issues a written decision to be sent to the student, the parent/guardian, the school's Board of Trustees, and the student's permanent record;**

- Any student who is expelled or given a long-term suspension (more than 10 days) has the right to appeal the decision in writing to the Board of Trustees within 10 days of the date of expulsion;
- Any appeal is heard, at the discretion of the Board Chairperson or by a Trustee subcommittee (of one or more Trustees designated by the Board Chairperson); in such a case, the school sets a hearing date and the student and/or his/her parent/guardian are notified in writing of the: charges and a statement of the evidence; date, time and place of a hearing; and notice of the right at the hearing to be represented by legal counsel (at the student's/parent's own expense) and present evidence and question witnesses.

### ***Alternative Instruction***

Alternative instruction must be provided when a scholar's disciplinary penalty prohibits class attendance beyond one day, whether suspension is in school or out-of-school. The purpose of alternative instruction is to offer discipline in a manner that does not undermine or significantly limit a scholar's opportunities to learn. LACS will provide scholars with all homework, administer all assessments, quizzes and New York State assessments to ensure scholars may keep pace with classes and requirements for promotion. Appropriately certified, or non-certified personnel qualified under the Charter Schools Act will provide alternative instruction allowing the scholar to have access to free and appropriate public education. Two (K-6) or three (7-8) hours of instruction will be provided for each day of missed instruction. If a determination is made for expulsion, the family will be provided with all necessary information to facilitate registration at another school within ten days. In the event that a determination for expulsion is made at a point during the year which allows insufficient time for re-enrollment, LACS will provide alternative instruction through the end of the school year. Scholars who attend alternative instruction will not be marked absent from school.

### ***Record-Keeping***

LACS will maintain written records of all suspensions and expulsions, including the name of the student, a description of the offending behavior, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons. Furthermore, alternative instruction attendance sheets will be maintained as an accountability measure for offered instruction.

### ***Students with Disabilities***

**In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities [A student not specifically identified as having a disability, but whose school district of residence or LACS, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge – in accordance with 34 CFR 300.527(b) – that a disability exists may request to be disciplined in accordance with these provisions]. LACS shall comply with sections 300.519-300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.**

**LACS shall maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.**

**Students for whom the Individualized Educational Plan (IEP) includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will be immediately referred to the Committee for Special Education (CSE) of the student's district of residence for consideration of a change in the guidelines.**

If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such student will immediately be referred to the special education authority of the student's district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended for a total of more than ten days during the school year without the specific involvement of the special education authority of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

LACS shall work with the district to ensure that the CSE meets within seven days of notification of any of the following:

- The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
- The commission of any infraction resulting from the student's disability.
- The commission of any infraction by a student with disabilities, regardless of whether the student has previously been suspended during the school year, if such infraction has been committed by a non-disabled student, the principal would seek to impose a suspension in excess of five days.

### **Provisions of Services During Removal**

The Individuals with Disabilities Education Act (IDEA) protections apply to:

- Students with disabilities in Charter Schools; AND
- Students for whom the Charter School is deemed to have knowledge of a disability.

When a LACS student with a disability violates the school's code of conduct and is removed (either immediately or following a hearing or conference consistent with due process), then the following procedures apply:

#### **I. Short-Term Removals**

**IF** the removal is 10 or fewer consecutive school days AND 10 or fewer cumulative school days in a school year, **THEN** LACS may remove the student and provide services to student similar to students without disabilities. Furthermore, the school will provide the student with due process.

#### **II. Cumulative Removals**

**IF** the removal is more than 10 cumulative school days in a school year, but not more than 10 consecutive school days, **THEN** LACS must first determine if the previous removals in

conjunction with the current removal constitutes a pattern of removal. The school will consider the following factors to determine whether a pattern exists:

- whether the series of removals total more than ten (10) school days in a school year;
- whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in discipline; and
- if the behavior is substantially similar, whether there is a pattern by considering additional factors such as
  - the length of each prior removal;
  - the total amount of time the student has been removed from school; and
  - the proximity of the removals to one another.

**IF** there is **NO PATTERN**, **THEN** LACS may remove the student and must determine and provide special education services so the student continues to make progress towards the goals on the student's IEP and continues to participate in the general education curriculum. **IF** there is a **PATTERN**, see Section III ("Long-Term Removals").

### **III. Long-Term Removals**

**IF** the removal is for more than 10 consecutive school days, **OR**

**IF** there is a pattern of removals (see Section II, "Cumulative Removals"),

**THEN** a "disciplinary change of placement" has occurred, and the following actions must be taken:

- The CSE, which includes relevant personnel from LACS (including the student's teacher), determines the special education services so the student continues to make progress towards the goals on the student's IEP and continues to participate in the general education curriculum; **AND**
- The school determines the alternative site that implements the services recommended by CSE during the disciplinary change of placement.
- LACS will send a notice of discipline and procedural safeguards notice ("PSN") to the parents and immediately notifies DOE in writing;
- DOE sends a manifestation determination review ("MDR") scheduling notice and PSN to the parents;
- The Charter School suspension hearing must occur prior to the MDR.
- MDR must occur within 10 school days of the earlier of either (a) actual removal, or (b) the decision to remove the student (a disciplinary change of placement).<sup>1</sup> Accordingly, the suspension hearing must be scheduled and held immediately after the conduct in

question to allow the MDR to occur within 10 school days of the earlier of either (a) actual removal, or (b) the decision to remove the student.

- MDR Team, including DOE, parent, and relevant IEP team members of the Charter School (such as the student's teacher, etc.) must review the student's file and determine if the conduct was a manifestation of the student's disability.

### ***Manifestation Determination Review:***

The manifestation team must consider all relevant information pertaining to the behavior including:

- Relevant information in the student's file, including evaluations and the student's IEP or Section 504 Accommodation Plan, any Functional Behavioral Assessment ("FBA") or Behavioral Intervention Plan ("BIP");
- Teacher observations; and
- Relevant information supplied by the parents of the student.

The manifestation team shall determine that the conduct is a manifestation of the student's disability if:

- The conduct in question was caused by or had a direct and substantial relationship to the student's disability; **OR**
- The conduct in question was the direct result of the Charter School's failure to implement the IEP. The MDR team does not have to determine that ALL services were not provided, but rather only those in relation to the behavior that is the subject of the disciplinary action.
- If the manifestation team finds the answer to either of these questions is "yes," the behavior must be considered a manifestation of the student's disability.

**IF** the behavior that led to removal was **NOT** a manifestation of the student's disability then LACS may remove the student and must implement the services recommended by the CSE during the length of the disciplinary change of placement. **IF** the behavior that led to removal **WAS** a manifestation of the student's disability, then LACS must return student to the original placement, unless:

- If the misconduct involved weapons, illegal drugs, controlled substances, or serious bodily injury, in which case the Charter School **may** remove the Student for up to 45 days in an alternative site while providing services recommended by the CSE; **OR**
- The parent and DOE agree to a change of placement.
- The CSE and the Charter School remedy deficiencies in IEP and implementation of IEP, respectively;
- The CSE conducts an FBA and develops/modifies the BIP;
- The Charter School implements the BIP.

## **CSE Meetings**

Meetings of the special education authority of the student's district of residence to either develop a behavioral assessment plan or, if the child has one, to review such plan are required when: (1) the child is first removed from his or her current placement for more than ten school days in a school year; and (2) when commencing a removal which constitutes a change in placement.

Subsequently, if other removals occur that do not constitute a change in placement; the school will work with the CSE of the student's district of residence to review the child's plan and its implementation to determine if modifications are necessary. If one or more members of the special education authority of the student's district of residence believe that modifications are needed, then the special education authority is expected to meet to modify the plan and/or its implementation.

## **Due Process**

If discipline which constitute a change in placement is contemplated for any student, the following steps shall be taken: (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability shall be notified of that decision and be provided the procedural safeguards notice described in 34 CFR § 300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the special education authority of the student's district of residence and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR § 300.121(d), which relates to the provision of services to students with disabilities during periods of removal.

Parents may request a hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing.

If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and LACS agree otherwise.



## Professional Development

Professional training and development for staff involved with the education of students with disabilities will include the following: the referral process, implementation of a student's IEP, evaluation of a student's progress towards meeting IEP goals and objectives, meeting reporting requirements to parents and CSEs, and discipline of students with disabilities.

## Dignity Act

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### Respect For All:

All pupils have the right to attend schools that are safe, secure, and peaceful environments. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of Lamad Academy Charter School to educate its students and disrupt the operation of the school. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

The Board prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

### *Definitions*

**Bullying** is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

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

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

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

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights.

### ***Prevention***

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value at Lamad Academy Charter School. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

In order to implement this program the Principal will designate a ***Bullying Prevention Coordinator (BPC)*** on an annual basis. The role of the [BPC] is to coordinate dissemination of information on anti-bullying, implement strategies to prevent bullying, and enforce this policy. In addition, committees consisting of staff, administration, students and parents will be created to assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. Lastly, the program will include reporting, investigating, remedying and tracking allegations of bullying.

### ***Intervention***

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### ***Provisions For Students Who Don't Feel Safe At School***

The Board acknowledges that, notwithstanding actions taken by staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the principal. The Principal, other appropriate staff, the student and the student's parents/guardians will work together to define and implement any needed accommodations.

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

### ***Training***

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Principal and/or appointed staff member will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to staff that have contact with students. The **BPC** will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

### ***Reporting and Investigation***

Although it can be difficult to step forward, the Board can't effectively address bullying if incidents aren't reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, Equal Opportunity and

Nondiscrimination, or 0110, Sexual Harassment]. If a staff member is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. All incidents of bullying will be reported to the New York State Education Department on at least an annual basis, so that the state can evaluate LACS performance under the policy. Such incidents may be included in the Violent and Disruptive Incident Reporting (VADIR) system, as applicable.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to the Principal or other administrator who supervises their employment.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

### ***Disciplinary Consequences/Remediation***

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration as applicable. **If the behavior rises to the level of criminal activity, law enforcement will be contacted.**

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with both the district's and LACS' Code of Conduct.

### ***Non-Retaliation***

All complainants and those who participate in the investigation of a complaint in conformity with state law, as well as the districts and LACS' policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### ***False Claims***

Students who make false claims of harassment or bullying will be subject to disciplinary action as defined by this policy.

### ***Dissemination, Monitoring, Review, and Reporting***

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks.

**The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).**