

The Lowell School

CODE OF CONDUCT

Introduction

The Lowell School is committed to providing a safe and orderly school environment where students may receive and school personnel may, deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other personnel, parents and other visitors is essential to achieving this goal.

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

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

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

While there are formal disciplinary procedures in place, it is critical that parents and educators realize the importance of communication and informal relationships in resolving discipline issues. The formal discipline process is often unnecessary when parents, educators and students have an opportunity to develop cooperative partnerships. Collaborative discussions of this type often lead to creative and student specific solutions, which support appropriate behavior and educational achievement. If parents or school officials believe that a student's placement is not appropriate, they should work together to recommend an appropriate change. Collaborative and cooperative partnerships among parents, educators and students are more likely to result in a change that will meet the needs of the student, ensure improved learning opportunities and create a safe environment.

The following key points highlight certain principles that research or expert-based experience shows have a significant impact on successful prevention and intervention plans for students.

Principles Underlying Behavior Intervention

- Share responsibility by establishing a partnership with the child, school, home and community.
 - Inform parents and listen to them when early warning signs are observed. Parents should be involved as soon as possible.
 - Maintain confidentiality and parents' rights to privacy.
 - Develop the capacity of staff, students and families to intervene.
 - Support students in being responsible for their actions.
 - Make interventions available as early as possible.
 - Use sustained, multiple, coordinated interventions. It is rare that children are disruptive only in school.
 - Analyze the contexts in which behavior problems occur.
 - Build upon and coordinate internal school resources.
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Definitions

For purposes of this code, the following definitions apply:

Disruptive student means an elementary or secondary student, age 21 or under, who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

School property means in or within any Lowell School building, structure, athletic playing field, playground, or parking lot.

School function means any Lowell School sponsored event or activity.

Violent student means a student, age 21 or under, who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys 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, such as a BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, paintball gun, and includes a dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Student Rights and Responsibilities

A. Student Rights

The Lowell School is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Take part in all school activities on an equal basis regardless of race, color, creed, religion, national origin, gender or sexual orientation, or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All students attending The Lowell School or Lowell School functions have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all school policies, rules and regulations dealing with student conduct.
3. Attend school every day (unless they are legally excused) and be in class, on time and prepared to learn.
4. Work to the best of their abilities in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to referral for disciplinary action.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the school when participating in or attending school-sponsored events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Students may find themselves in the unique situation of possessing information that could be potentially dangerous to themselves or others. They should report any and all situations or suspicions about harmful acts to their teachers or other Lowell personnel. All suspicions should be immediately reported.

Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Take affirmative action to report all information or suspicions about potentially harmful acts.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Convey to their children a supportive attitude toward education and the district.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All Lowell teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know 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.

C. Counselors

All Lowell counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate conferences (teacher/student/counselor or parent/teacher/ student/counselor) as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress.
4. Provide information to assist High School students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. Building Administrators

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 building administrator and approach the building administrator for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. All Lowell School personnel should, in their own appearance, exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), shorts, mini-skirts, and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times.
5. Not include the wearing of hats in the classroom or in the building except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Revisions to the dress code may be made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to disciplinary action.

Prohibited Student Conduct

The Lowell School expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

The school recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing on neighboring properties.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software or internet/intranet accounts; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

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 school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

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, school administrators or other school personnel in charge of students.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, biting, spitting and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school property.

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 to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or 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.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability, as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation. Which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Selling, using or possessing obscene material.
8. Using vulgar or abusive language, cursing or swearing.
9. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco in the school building.
10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs".
11. Radios, boom boxes, headsets, beepers, cellular phones, electronic games, etc. are disruptions to the learning process. These items are prohibited to be used in the school building. All such equipment will be confiscated and held until a parent comes to pick it up, or until the end of the school year.
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report, warning of fire, or other catastrophe, without valid cause, or the misuse of 911, discharging a fire alarm or extinguisher.

F. Engage in misconduct while on a **school bus**. It is crucial for students to behave appropriately while riding on 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 and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

Reporting Violations

All students are expected to promptly report violations of the code of conduct to a staff member. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a staff member.

All Lowell School staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. Lowell School staff that are not authorized to impose disciplinary sanctions is expected to promptly report violations of the code of conduct to the Principal or Executive Director who shall in turn impose an appropriate disciplinary sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include suspension or legal action.

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

Student Searches and Interrogations

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

In addition, the Principal and Executive Director have the authority to conduct searches of students and their belongings if the authorized Lowell officials have reasonable suspicion to believe that the search will result in evidence that the student violated the law or the code of conduct.

The Principal or Executive Director may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the Lowell employees, will be considered reliable informants if they have previously supplied information that was accurate and verified. Or they make an admission against their own interest, or 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. Lowell employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should, if possible, ascertain whether the student is willing to admit to possession of physical evidence that they violated either the law or code of conduct, or whether they are willing to voluntarily consent to the search. 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 Desks and Other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings apply to student desks, lockers, and other school storage places. Students have no reasonable expectation of privacy with respect to these places, and school officials retain complete control over them. This means that student desks, lockers, and other Lowell storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

The authorized Lowell official conducting the search shall be responsible for promptly recording the following information about each search on the Lowell form provided for that purpose:

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/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 building administrator shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The building administrator shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to the police. The building administrator shall be responsible for personally delivering dangerous or illegal item(s) to police authorities.

C. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the building administrator shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The building administrator will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on Lowell property or at a Lowell 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.

D. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the building administrator. The building administrator shall set the time and place of the interview. The building administrator shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. No student may be required to remove his/her clothing in front of a child protective services worker or school official.

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

Visitors to Lowell

Since our facilities are places of work and learning, certain limits must be set for visits. The building administrator or designees are responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors at The Lowell School:

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

Dissemination and Review

A. Dissemination or Code of Conduct

The school will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

The school will conduct an in-service education program for all Lowell staff members to ensure the effective implementation of the code of conduct. The Administration may solicit recommendations of Lowell staff, regarding in-service programs pertaining to the management and discipline of students.

The Administration will review this code of conduct every year and update it as necessary. In conducting the review, the school will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The school may appoint an advisory committee to assist in reviewing the code.

INTERIM ALTERNATIVE EDUCATIONAL SETTINGS

Reference: Sections 201.7 and 201.8 of the Regulations of the Commissioner of Education

A student with a disability may be removed by school officials to an interim alternative educational setting (IAES) for up to 45 calendar days if the student carries or possesses a weapon to or at school on school premises, or to or at a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. If school personnel maintain that it is dangerous for the student to return to the placement prior to the student's removal to an IAES, they may initiate an expedited due process hearing to obtain an order from an impartial hearing officer, in accordance with the process described below, allowing them to maintain the student in the IAES or in another IAES for an additional period up to 45 days. The procedure may be repeated as necessary.

An impartial hearing officer (IBO) may order a change in placement of a student with a disability to an IAES for not more than 45 calendar days if the impartial hearing officer determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. In making this decision, the IHO must consider the appropriateness of the student's current placement and whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services. The IBO must determine that the IAES proposed by school personnel meets the federal standard for an IAES.

An IAES is a setting that must be selected to enable the student to:

- continue to progress in the general curriculum; and
- continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the IBP goals; and
- Include services and modifications to address the behavior that is subject to disciplinary action. These services and modifications must be designed to prevent the behavior from recurring.

A student whose behavior may warrant a removal to an interim alternative educational setting may first be removed by school personnel for not more than ten consecutive days or until the removal otherwise constitutes a disciplinary change of placement. During that ten-day or less removal, alternative instruction (for students who have not already been removed for ten school days in the school year) or FAPE (beginning on the 11th day of removal in the school year) as determined by school personnel in consultation with the student's special education teacher would be provided. This allows time for the CSE or the IHO, as appropriate, to determine the setting for the interim alternative educational setting.

INTERIM ALTERNATIVE EDUCATIONAL SETIINGS			
Suspension or Removal to an IAES	Type of Hearing	Length of Removal	Setting
<p>Illegal Drugs/Controlled Substances/Weapons – removal by a school superintendent's hearing</p> <p>Student carries or possesses a weapon to or at school, on school premises, or to or at a school function</p> <p>Student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.</p>	<p>Section 3214 Superintendent's hearing</p>	<p>For-each incident:</p> <p>Up to 45 calendar days. Cannot exceed period of suspension ordered by the superintendent. Cannot exceed the amount of time that a non-disabled student would be suspended for the same behavior.</p>	<p>Determined by the CSE</p>
<p>Dangerous situations – removal by an impartial hearing officer (IHO):</p> <p>The IHO must:</p> <ol style="list-style-type: none"> 1. Determine that the school district demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. 2. Consider the appropriateness of the student's current placement. 3. Consider whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services. 4. Determine that the IAES proposed by school personnel is an appropriate setting. 	<p>Impartial hearing pursuant to 8NYCRR Section 200.5 (i)</p>	<p>For each incident:</p> <p>Up to 45 calendar days.</p> <p>This procedure may be repeated as necessary.</p>	<p>Determined by the IHO based on a setting proposed by school personnel in consultation with the student's special education teacher.</p> <p>In proposing the setting, school personnel may rely on the judgments of the CSE.</p> <p>The IHO may revise or modify the proposed placement as necessary to meet the statutory</p>

PROVISION OF EDUCATIONAL SERVICES TO STUDENTS WITH DISABILITIES SUSPENDED OR REMOVED FOR DISCIPLINARY REASONS			
WHEN	RESPONSIBILITY	WHAT	EDUCATION SERVICES/FAPE
<p>Days 1-10:</p> <p>First 10 school days of suspension for students of compulsory school age</p> <p>First 10 school days of suspension for students who are not of compulsory school age</p>	<p>School Official imposing the suspension or other school personnel delegated such authority</p>	<p>Setting for suspension and alternative instruction to be provided</p>	<p>Alternative Instruction for students of compulsory school age:</p> <p>Students will be given all textbooks and assignments prior to suspension. Two hours of daily instruction will be provided by a Certified Special Education Teacher, OR daily instruction will be provided by computer video conferencing between the home and school. This will require a signed agreement between the parent and school.</p> <p>For Students not of compulsory school age:</p> <p>Services to the same extent, if any, that the district provides to students without disabilities who are not of compulsory school age.</p>
<p>More than 10 days, and not a change of placement:</p> <p>During subsequent suspensions or removals for periods of up to 10 school days or less that in the aggregate total more than 10 school days in a school year but <i>do not</i> constitute a disciplinary change or placement</p>	<p>School official imposing the suspension or other school personnel delegated such authority</p> <p>School official in consultation with the student's special education teacher</p>	<p>Setting for suspension</p> <p>Services necessary to provide FAPE</p>	<p>Alternative Instruction for students of compulsory school age:</p> <p>Students will be given all textbooks and assignments prior to suspension. Two hours of daily instruction will be provided by a Certified Special Education Teacher, OR, daily instruction will be provided by computer video conferencing between the home and school. This will require a signed agreement between the parent and school.</p>

			<p>For students not of compulsory school age: Services to the same extent, if any, that the district provides to students without disabilities who are not of compulsory school age</p>
<p>More than 10 days and a change of placement: Suspensions or removals for periods in excess of 10 school days in a school year which <i>do</i> constitute a disciplinary change in placement – if the behavior is <i>not a manifestation</i> of the disability</p>	<p>School official imposing the suspension or other school personnel delegated such authority</p> <p>CSE</p>	<p>Setting for suspension</p> <p>Services necessary to provide FAPE</p>	<p>Free appropriate public education:</p> <p>Provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student’s IEP.</p>
<p>Interim Alternative Educational Setting (IAES):</p> <p>Suspensions up to 45 calendar days to an IAES for illegal drugs/controlled substances/weapons</p>	<p>CSE</p>	<p>Determining the setting for the IAES that provides FAPE</p> <p>Determining the services to address the behavior</p>	<p>Free appropriate education:</p> <p>The setting must be selected to:</p> <ul style="list-style-type: none"> • Enable the student to continue to progress in the general curriculum, although in another setting; • Enable the student to continue to receive those services and modifications, including those described in the student’s current IEP, that will enable the student to meet the goals set out in that IEP; and • Include services and modifications to address the behavior that are designed to prevent the behavior from recurring

<p>Interim Alternative Educational Setting (IAES):</p> <p>Removals for up to 45 Calendar days to an IAES by Impartial Hearing Officer (IHO) when there is substantial evidence that maintaining the current placement will result in injury to the student or to others</p>	<p>School personnel in consultation with the student’s special education teacher (may also consult with CSE)</p> <p>IHO</p>	<p>Proposing the setting for the IAES that provides FAPE</p> <p>Recommending services to address the behavior</p> <p>Determining the setting based on a proposal by school personnel in consultation with the student’s special education teacher</p> <p>May be revised or modified by IHO</p>	<p>Free appropriate public education:</p> <p>The setting selected by the IHO must:</p> <ul style="list-style-type: none"> • Enable the student to continue to progress in the general curriculum, although in another setting; • Enable the student to continue to receive those services and modifications, including those described in the student’s current IEP, that will enable the student to meet the goals set out in that IEP; and • Include services and modifications to address the behavior that are designed to prevent the behavior from recurring
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**CSE RESPONSIBILITIES FOR FUNCTIONAL BEHAVIORAL ASSESSMENTS
AND BEHAVIORAL INTERVENTION PLANS**

FIRST TIME A STUDENT IS SUSPENDED OR REMOVED FOR MORE THAN TEN SCHOOL DAYS IN A SCHOOL YEAR OR SUBSEQUENT SUSPENSIONS OR REMOVALS IN THE SAME SCHOOL YEAR THAT CONSTITUTE A DISCIPLINARY CHANGE OF PLACEMENT		
What	Who	When²
Convene a CSE meeting to develop a functional behavioral assessment OR Convene a CSE meeting to review and modify, if necessary, an existing behavioral intervention plan (BIP) and its implementation.	CSE	No later than ten business days after first suspending or removing a student for more than ten school days in a school year or imposing a suspension or removal that constitutes a disciplinary change of placement, including a change of placement to an IAES for illegal drugs, controlled substances or weapons
Convene a CSE meeting to develop and implement a behavioral intervention plan based on the results of the FBA if the student does not have an existing BIP	CSE	As soon as practicable after developing the behavioral assessment plan and completing the assessments required by the plan.
SUBSEQUENT SUSPENSIONS OR REMOVALS IN THE SAME SCHOOL YEAR THAT DO NOT CONSTITUTE A DISCIPLINARY CHANGE IN PLACEMENT		
What	Who	When
Review an existing behavioral plan and its implementation	Each CSE member	As soon as practicable after the suspension or removal is initiated or imposed
Convene a CSE meeting if one or more members believe modifications to the plan or its implementation are needed <ul style="list-style-type: none"> • Review the student’s behavioral intervention plan and its implementation • Modify as necessary, the behavioral intervention plan and its implementation. 	CSE	As soon as practicable after any of the CSE members indicate the need to convene a meeting
This meeting may be conducted at the same meeting when a manifestation determination or the determination of the IAES setting is being made.		

FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) & BEHAVIORAL INTERVENTION PLANS (BIP)

Conducting a functional behavioral assessment (FBA), the CSE determines why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. This must include, but is not limited to:

- the **identification** of the problem behavior;
- the **definition** of the behavior in concrete terms;
- the identification of the **contextual factors** (e.g., environmental, physical, instructional approaches, or other events) that contribute to the behavior, including cognitive (e.g., memory, problem-solving ability, ability to plan, initiate and/or inhibit behavior, ability to monitor behavior, attention, perception, organizing processes) and affective factors (e.g., emotional factors such as mood swings, depression, frustration tolerance); and
- the formulation of a hypothesis or a theory regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Once a functional behavioral assessment has been conducted, a behavioral intervention plan (BIP) for that behavior must be developed and implemented. The BIP must be based on the results of the FBA and, at a minimum, must include:

- a description of the problem behavior;
- global and specific hypotheses as to why the problem behavior occurs. A specific hypothesis is a statement that specifies the events or factors that trigger the behavior and the function that behavior serves for the student. A global hypothesis identifies those broad influences in the student's life (such as health, routines, relationships and student skills) that relate to the behavior; and
- **intervention strategies** to address the behavior.

In designing intervention strategies, the CSE should consider the results of the functional behavioral assessment, the student's strengths and the concerns of the parent. The behavioral intervention plan should include positive strategies to address, as appropriate, the events or situations that trigger a behavior, instruction in Alternative skills, consequences, and long-term prevention. The CSE should also determine the supports, if any, needed by school personnel (e.g., administrative, material, environmental, instructional or informational supports) to implement those strategies and a plan to evaluate the effectiveness of the behavioral intervention plan.

The July 1998 memorandum Guidance on Functional Behavioral Assessments for Students with Disabilities (Policy 98-05) provides further information on conducting an FBA.

Committee on Special Education
GUIDELINES FOR ASSESSING AND ADDRESSING BEHAVIORS

Functional Behavioral Assessment	Behavioral Intervention Plan
<ul style="list-style-type: none"> • Develop a plan to conduct a functional behavioral assessment of the student’s behavior or review an existing functional behavioral assessment: <ul style="list-style-type: none"> • Identify the behavior that needs to be assessed. • Determine how the function of the student’s behavior and the circumstances and factors associated with both the occurrence and non-occurrence of the behavior will be assessed. • Determine who will be responsible for conducting the planned assessment • Establish a date for the assessment to be completed. 	<ul style="list-style-type: none"> • Develop or review an existing behavioral intervention plan based on the results of the functional behavioral assessment: <ul style="list-style-type: none"> • Identify the behavior. • Define the behavior in concrete terms. • Select supports and interventions to address, as appropriate: <ul style="list-style-type: none"> • Antecedents and setting events • Alternative skills instruction • Consequence strategies that build skills and reduce problem behaviors • Long term preparation • Support for team members. • Identify resources available or that need to become available, to implement the plan. • Identify who will do what, when and how. • Determine a plan for monitoring the effectiveness of the supports and intervention. • Develop a timetable for the review and monitoring of the plan. • Determine what, if any, changes need to be made to a student’s IEP and/or behavioral intervention plan as a result of review.