

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

3311

Community Relations

SUBJECT: NOTIFICATION OF DISCLOSURE OF EMPLOYEE DISCIPLINARY RECORDS**Overview**

In accordance with New York State Public Officers Law, this policy establishes a process to notify District employees when the District is responding to a request for their disciplinary records.

Scope

This policy applies to all current and former employees of the District whose disciplinary records may be subject to public disclosure under the Freedom of Information Law (FOIL).

What Constitutes an Employee Disciplinary Record

For purposes of this policy, disciplinary records are any record created in furtherance of a disciplinary proceeding, including, but not limited to:

- a) The complaints, allegations, and charges against an employee;
- b) The name of the employee complained of or charged;
- c) The transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
- d) The disposition of any disciplinary proceeding; and
- e) The final written opinion or memorandum supporting the disposition and discipline imposed including the District's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

Notification Upon Release of Disciplinary Records

When the District releases an employee's disciplinary records in response to a FOIL request, it will promptly provide written notification to the affected employee, unless the request is from the employee for their own records.

For current employees, this notification will be sent to the employee's work email address or, if unavailable, their home address on file with human resources.

For former employees, this notification will be sent to the employee's last known home address on file with human resources. The District will make every reasonable effort to notify former employees, and will document the steps taken to do so.

Content of Notification

The notification will include a brief description of the released records. This notification is for informational purposes only and does not require employee consent. Its purpose is to ensure employees are aware of the disclosure.

Public Officers Law Section 87

NOTE: Refer also to Policy #3310 - Public Access to Records

Adoption: 03/24/2025

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7210

Students

1 of 2

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT

Promotion and the placement of students within the District's instructional system shall be facilitated by school administration in conjunction with District professional staff and shall be subject to review at any time. In making such decisions, each school will be guided by data including but not limited to performance in class, past records, including various measures of student growth; parent and teacher recommendations; and any other appropriate sources of information.

With regard to student classroom placement decisions, parents may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers may not be honored.

Testing Program

The District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7210

Students

2 of 2

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT

Reporting to Parents and Persons in Parental Relation to Students

Parents, guardians, and/or persons in parental relation to District students shall receive an appropriate report of student progress at regular intervals.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, interpreters will be provided for non-English speaking parents, guardians, and/or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 74 et seq
Education Law Sections 305(45) - (47), 1709(3)
8 NYCRR Sections 100.2(g), 100.2(ll), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)
8 NYCRR Parts 117 and 154

Adoption Date: 03/24/2025
02/22/2021

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025 7250

Students 1 of 5

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one (1) or more of the following protected areas:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in school privacy of students.

Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions

The District shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Continued

2025

7250

Students

2 of 5

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS**

Further, in the notification, the District shall offer an opportunity for parents/guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- a) The administration of any survey containing one (1) or more of the protected areas.
 1. U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained before students are required to submit to the survey.
 2. Surveys funded by sources other than U.S. Department of Education: Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt their child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt their child out of participation in accordance with law and the surveys conducted.

U.S. Department of Education-Funded Surveys

The District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7250

Students

3 of 5

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District will obtain prior written parental/guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

The District has developed and adopted this policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one (1) or more of the protected areas, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one (1) or more of the protected areas. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as thirty [30] days) after such request is received by the District. Requests must be submitted by parents/guardians, in writing, to the Building Principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats; (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7250

Students

4 of 5

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

- d) The administration of physical examinations or screenings that the District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated or authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7250

Students

5 of 5

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

- a) College or other postsecondary education recruitment, or military recruitment;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education- related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g,
as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7121 - Diagnostic Screening of Students
#7242 - Military Recruiters' Access to Secondary School Students
and Information on Students
#7511 - Immunization of Students
#7512 - Student Physicals
#7513 - Administration of Medication

Adoption: 03/24/2025
10/26/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7310

Students

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. This policy was designed locally in consultation with teachers, administrators, other school service professionals, students and parents/legal guardians, and includes:

- a) A bill of rights and responsibilities of students which focus upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A discipline code for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such code, which is publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student personnel services, administrators, teachers, parents and students in early identification and resolution of discipline problems. For students identified as having handicapping conditions, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education plan;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and
- g) Guidelines and programs for an in-service education program for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

The Board will annually review this policy on school conduct and discipline and amend it when appropriate. The policy shall be filed in each school building and shall be available for review by any individual.

Commissioner's Regulations Section 100.2(1)

NOTE: Refer also to Policy #3410 - Code of Conduct on School Property

Adoption Date: 03/24/22025
11/23/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7311

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

False Reporting of an Incident and/or Placing a False Bomb

The District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Section 60.27

Adoption Date: 03/24/2025
11/23/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

1 of 8

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health, or welfare of others.

SuspensionFive School Days or Less

The Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated acting principal may then suspend a student for a period of five school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority must provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, the Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal conference, the student or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

2 of 8

SUBJECT: SUSPENSION OF STUDENTS

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

Teachers will immediately report or refer a violent student to the principal/Superintendent for a violation of the District's *Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

3 of 8

SUBJECT: SUSPENSION OF STUDENTS

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team will include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

4 of 8

SUBJECT: SUSPENSION OF STUDENTS

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine 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 District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of their disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the BIP.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of their disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to the student.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025 7313
Students 5 of 8

SUBJECT: SUSPENSION OF STUDENTS

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

6 of 8

SUBJECT: SUSPENSION OF STUDENTS

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES will:

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7313

Students

7 of 8

SUBJECT: SUSPENSION OF STUDENTS

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension from BOCES

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with their class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES will be considered as an act within the District itself.

A student who is ineligible to attend a District on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent/designee.

Restorative Practices

In every instance of student discipline that requires suspension the use of restorative practices will be employed to support student development and growth.

Exhaustion of Administrative Remedies

If a parent or person in parental relation wishes to appeal the decision of the building principal or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation must appeal to the Board before commencing an appeal to the Commissioner of Education. Any appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025 7313

Students 8 of 8

SUBJECT: SUSPENSION OF STUDENTS

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, or restorative practices where applicable.

18 USC § 921
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300
Education Law §§ 310, 2801(1), 3214, and 4402
Penal Law § 265.01
8 NYCRR §§ 100.2(1)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

NOTE: Refer also to Policy #7360 - Weapons in School and the Gun-Free Schools Act

Adoption Date: 03/24/2025
11/23/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7314

Students

1 of 2

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by School District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7314

Students

2 of 2

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

Conditions That Apply if There is No Basis of Knowledge

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

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Section 201.5

NOTE: Refer also to Policy #7313 - Suspension of Students

Adoption Date: 03/24/2025
11/23/2020