

Discipline Policy and Code of Conduct

Beliefs and Approach

As a school community, we believe in the dignity and value of each member of our extended school family. We believe that it is incumbent upon us to provide clarity of expectations and build genuine investment among scholars, staff, and families such that our policies feel fair and scholar-centered. Our “no surprises” approach begins with clarity to families and students (we call them scholars) via the Scholar and Family Handbook, family orientation, family events and preparation academy. It is reinforced by our focus on supporting our teachers to become the best teachers and role models they can be. From there, formal and informal structures sustain and reinvest scholars in how each and every decision is made in the best interest of the community and each member therein. Through training and coaching of culture, and relationship-building moments such as advisory and community circle, our scholars, over time, come to understand, adhere to, embrace and (eventually) explain our policies and practices to our incoming scholars. We strive for a culture where it’s cool to be smart and where scholars feel safe to take academic risks.

Our belief is that every disruption to our values is an opportunity to understand both the individual and those impacted. These “teachable moments” are fundamental to our approach to a culture. By conversing openly with scholars about our rationale, purpose and impact of behavior, we show scholars why our expectations matter, how they impact others, and how to avoid repeating such behaviors.

Our approach uses incremental interventions to address inappropriate behavior with the goal of teaching prosocial behavior. Our approach to discipline does not seek punishment. Instead, our approach to discipline seeks to identify and address the root cause of the behavior, help scholars build the lagging skills needed to help them navigate difficult situations, and support scholars in advocating for, and holding themselves accountable for change. This scholar-first approach teaches scholars and creates positive behavioral change, while holding scholars accountable and clarifying for the community our core values, the rationale for them, while reinforcing them. We believe that responsible educators use a combination of strong tier 1 expectations and supports - great teaching, strong routines, engaging classrooms. When those are not enough, we increase our support, individual attention and accountability in order to teach lagging skills and help scholars learn from their mistakes.

Pillars of School Culture

Fundamental to the LAB community are pillars of relationships, trust, and respect. At LAB, we build strong relationships and tend to them, and repair them as necessary. We communicate clearly and operate consistently to build credibility and earn and steward a strong sense of trust. Along with these two setting conditions, we then hold paramount that we all must build and show mutual respect for the learning environment, our LAB community and for each scholar. LAB is committed to achieving a school culture in which all scholars and staff are psychologically safe and can achieve at their highest levels.

Part of the foundation of creating a safe and thriving classroom filled with joy, scholar independence, voice and ownership, and accelerated learning is a clear, fair, and consistent discipline policy.

As a school, we surround this discipline policy with relationships and consistency and fairness that builds trust and fosters mutual respect. We must engage our scholars in purposeful, rigorous academic work. When we do this, we are able to influence our scholars to want to be a part of our school community and engage deeply in their learning, to support their peers, and be proud and powerful members of *their* school community.

Our culture strives to ensure scholars feel safe, known and are productively engaged in their learning.

All campuses use a PBIS system to name, reinforce, celebrate and encourage positive behavior choices. Scholars earn formal recognition (called Glows or Merits) and rewards for behavioral choices that reinforce school values, and are celebrated through grade level and campus level awards, celebrations and traditions. The Deans of Culture and culture teams at each campus regularly advertise and execute events and structures requested by scholars to ensure they are relevant and compelling. We believe in celebrating scholars in ways that are earned and expected as well as earned and unexpected - the latter helps create a sense of being seen for doing the right thing and creates a culture where scholars see each other being celebrated for doing the right thing. We know that scholars make positive choices the overwhelming majority of the time and we spend our energy recognizing and reinforcing these behaviors and the scholarly identity that accompanies it.

Ensuring Safety and Community Standards

The manner in which scholars conduct themselves in school is a major factor in establishing and maintaining a safe and respectful school community. To promote positive scholar behavior, all members of the school community—scholars, staff, and parents—must know and understand the standards of behavior that all scholars are expected to live up to, the supports and interventions that will be used to address misconduct, and the disciplinary responses if behavioral standards are not met.

Scholars who are not meeting standards for behavior are addressed in multiple ways. In class, teachers attempt multiple proactive strategies to set all scholars up for success and intervene with the least invasive response possible that supports the individual scholar, reinforces the standards for behavior for the class, and protects the learning environment. For behaviors that do not threaten the physical and psychological safety of the community, our staff provides multiple opportunities and interventions to re-engage and redirect scholars who may be struggling in order to prevent the unnecessary removal from class; if needed, a teacher may request a culture team member or a school leader to support by having a brief reset conversation with a scholar in the hallway outside the classroom. Repeated disruptions or behaviors that threaten or harm the physical or emotional safety of any member of the class or community will be addressed through our “Reflect - Restore -

Re-Engage” process (to be referred to as our Restorative Process going forward), which may require a scholar to leave the classroom in order to engage in thoughtful reflection about their work in class and how to be a supportive team member, with the intention of returning to class at the earliest possible opportunity.

To maintain high expectations and a safe and respectful school environment – two vital parts of our school culture – scholars must comply with school-imposed consequences for their behavior. Scholars will also receive additional services in the form of interventions, and participate in activities that help restore the community and peace within the environment.

When assisting scholars who have engaged in negative behavior we believe it is essential to lead with inquiry and implement a restorative approach. The goals are for all scholars to:

- understand why the behavior is not aligned with behavior standards and the harm it has caused;
- understand what they could have done differently in the same situation;
- take responsibility for their actions;
- speak to the other person/persons involved in a solutions-oriented way to share their perspective and problem solve together;
- learn pro-social strategies and skills to address lagging skills and help navigate similar situations in the future; and
- understand the progression of responses and interventions / supports that the school will use to teach and reinforce our values if the behavior reoccurs.

Supports and Interventions

LAB provides a range of prevention and intervention support services for scholars during and/or after school hours throughout the school year. When a scholar engages in misconduct, the non-exhaustive list of interventions below must be considered based on the type of behavior in which a scholar has engaged. When used consistently and appropriately, interventions help improve scholar behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Support services may include any of the interventions or a combination of services that best meet the needs of the individual scholar. The following describes the supports and intervention measures that may be employed at LAB in response to behavioral incidents.

- family outreach,
- behavioral incentive and support plans,
- collaborative problem solving,
- guidance conferences,
- restorative practices such as mediation, restorative circles, conflict resolution, formal restorative conferencing, and/or community service activities,
- referral to individual or group counseling,
- formal or informal mentoring and coaching, and
- referral to appropriate partner services and organizations.

Beyond Supports and Interventions

LAB provides a range of supports and intervention to scholars who engage in misconduct. These supports and interventions are an integral part of a comprehensive response to misconduct and can be utilized instead of or in conjunction with other disciplinary consequences. LAB also imposes consequences beyond support and interventions. In order for LAB to maintain a safe school environment, scholars must comply with all school-imposed consequences. Consequences may vary based on the age or grade level of the scholar, severity of the action and frequency of the incident, but may include the following:

- Reflection period (detention) during lunch or after school:
 - Reflection will be assigned after one or more instances of misconduct, depending upon the impact and frequency of the behavior.
 - Lunch reflection will occur during the scholar's assigned lunch time (only after they have received lunch) with an Associate Dean/ Teacher at the assigned room.
 - After school reflection will take place at the end of the academic day with the Dean of Culture / Associate Dean at the assigned location at the respective campus. Scholars who are in reflection complete an assignment. Scholars who are in reflection are not able to participate in after school on the day that they are in reflection.
 - Parents/guardians are notified via a phone call and an automatic text-based notification of their scholar's referral to lunchtime reflection;
 - Scholars may participate in after-school reflection only with the consent of the scholar's parent/guardian.
- Loss of school privileges (e.g., competing at school-sponsored athletic events):
 - Parents/guardians are notified via a phone call.
- Scholar reflection:
 - Scholar reflection takes place outside of class. With the assistance of Teachers and Deans, the scholar will work through a reflection protocol. Time out of class is kept to a minimum. Scholars will be given the opportunity to make up any work that is missed and will return to class as soon as possible. Parents / guardians are notified when scholars will engage in this process.
- Short-term in-school or out-of-school suspension (procedures are set forth below)
- Long-term in-school or out-of-school suspension, or expulsion (procedures are set forth below)

The school makes every effort to create a climate of school safety while also ensuring a positive school culture that focuses on our mission. If a scholar is suspended, a parent/guardian will be asked to meet with an administrator prior to a scholar's return to school.

If a disciplinary incident is not resolved or occurs again, further disciplinary action is taken.

Building and Reinforcing Our Community Standards: Recognition, Restoration, and Discipline System

At LAB, we ensure our approach to discipline is explicitly oriented towards creating positive interactions, focusing on recognizing and replicating positive choices in order to create a safe, positive and focused learning environment. Along with this, it is essential that we communicate and support a fair and consistent Code of Conduct (“Code”) so that scholars know what is expected of them at all times.

Outlined below are those actions or inactions that violate the School’s Code or interfere with the delivery of educational services, jeopardize the health, safety, and well-being of any member of the school community, or threaten the integrity and stability of the school itself.

- A disciplinary offense may occur while the scholar is:
 - at school, whether remote or in person, and/or on school grounds;
 - participating in a school-sponsored activity, whether remotely or in person;
 - walking to or from school or a school-sponsored event;
 - walking to or from, waiting for, or riding on school-provided or district-provided transportation; or
 - walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds.
- School-related disciplinary offenses may also include misconduct outside the school, including texting, e-mailing and/or activity on social media, when such behavior can be demonstrated to negatively affect the school learning environment or to endanger the school community.

School administration will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the scholar’s misconduct, taking into account the following factors:

- The scholar’s age and maturity level;
- The nature and seriousness of the behavior and the circumstances/context in which the behavior occurred;
- The scholar’s previous disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents/guardians, teachers and/or others, as appropriate;
- The scholar’s Individualized Education Plan (IEP), Behavioral Intervention Plan (BIP), and/or 504 Plan, if applicable;
- How the scholar conducts themselves; and
- Other relevant factors.

When a scholar does not meet behavioral expectations and a violation of the School’s Code has occurred, clear and consistent disciplinary action will ensue, and other consequences as further described below.

The Code of Conduct is comprised of 3 levels of infractions with corresponding supports and interventions and/or disciplinary consequences. The levels range from minor infractions to major breaches of LAB policy.

The behaviors set forth below are not exhaustive but provide examples of violations of the Code that may result in disciplinary consequences. The list may be modified from time to time and/or supplemented by LAB staff upon notice to scholars and families.

Level 1

We expect the best from all of our scholars all of the time. However, when problems occur, most minor issues are usually resolved by a teacher, but may involve parents, counselors, or the school leadership team, especially when a behavior is repeated.

Behavior	Range of Possible Responses
<ul style="list-style-type: none"> ● Non-disruptive violations of school expectations (e.g., uniform infractions, gum, food, or beverages) ● Non-disruptive violation of school's technology use policies (e.g., cell phone use at times when not permitted, off-task use of technology) ● Disruption to class that does not prevent teaching and learning (e.g., talking, passing notes) ● Potential safety concerns (e.g., play fighting) ● Rude or disrespectful behavior ● Refusing reasonable directions ● Not adhering to health and safety protocols (masks, distancing) 	<ul style="list-style-type: none"> ● Addressed by teacher or staff member ● Brief reset with culture team or staff member ● Family outreach ● Behavioral incentive and support plans ● Collaborative problem solving ● Guidance conferences ● Restorative practices ● Referral to individual or group counseling ● Formal or informal mentoring and coaching ● Reflection period (detention) ● Loss of school privileges ● Scholar Reflection

Level 2

Level two behaviors represent serious, frequent and or harmful disruption to the learning environment and safety of the community.

Behavior	Range of Possible Responses
<ul style="list-style-type: none"> ● Repeated Level 1 behaviors ● Physical contact with another student in a frustrated, aggressive or taunting manner or using body to intimidate or block movement 	<ul style="list-style-type: none"> ● Family outreach ● Behavioral incentive and support plans ● Guidance conferences

<ul style="list-style-type: none"> ● Inappropriate use of school technology / violation of the school’s internet acceptable use policy ● Inappropriate use of personal technology in school, including phones, smartwatches, e-readers, and other electronic devices ● Repeated dishonesty to a staff member ● Disrespect toward a staff member or scholar ● Use of abusive or profane language ● Integrity violations such as cheating, plagiarism or copying someone else’s work; forgery ● Gambling or betting ● Sexting ● Engaging in sexual activity or inappropriate touching ● Engaging in intimidating or bullying behavior, including cyber bullying ● Leaving the school building without permission ● Knowingly possessing the property of others ● Theft, loss, or destruction of student, staff or school property ● Threatening or instigating fighting or violence ● Fighting (physical contact) with or without causing bodily harm ● Possession or use of a mock firearm ● Setting off a false fire alarm 	<ul style="list-style-type: none"> ● Collaborative Problem Solving ● Restorative practices ● Referral to individual or group counseling ● Formal or informal mentoring and coaching ● Referral to appropriate partner services and organizations ● Reflection period (detention) ● Loss of school privileges ● Scholar Reflection ● Short-Term Suspension ● Long-Term Suspension
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Level 3

Any behavior that threatens the physical or psychological safety of the LAB community is not permitted. Threats to safety may result in loss of privileges, suspension, or in severe cases may be considered for expulsion.

Behavior	Range of Possible Responses
<ul style="list-style-type: none"> ● Repeated Level 2 behaviors ● Using or possessing drugs or alcohol ● Selling or transferring drugs or alcohol ● Using, possessing, selling, or transferring tobacco/vape products ● Harassment (verbal or physical behavior creating 	<ul style="list-style-type: none"> ● Guidance conferences ● Restorative practices ● Referral to individual or group counseling ● Referral to appropriate partner services and organization ● Loss of school privileges

<p>a hostile, intimidating or offensive environment, includes sexual harassment)</p> <ul style="list-style-type: none"> ● Major aggressive physical behavior towards staff or students, with or without a weapon or object used in a dangerous or threatening manner, including damage or destruction of property ● Coordinated jumping or attacking ● Gang-related activity (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs; recruiting for a gang) that threatens the safety of the school community. LAB will consult with the NYPD Gang Unit to determine if any suspected behavior is gang-related ● Arson ● Possession or use of a firearm, weapon or dangerous object ● Threats of mass violence or mass physical harm, including bomb threats 	<ul style="list-style-type: none"> ● Short-Term Suspension ● Long-Term Suspension ● Expulsion
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Repeated Violations

Progressively more serious disciplinary consequences shall be imposed upon scholars who repeatedly commit one or more disciplinary offenses.

When required, school administration will contact law enforcement authorities.

Policies and Procedures

Non-Discrimination

LAB welcomes all scholars equally. All scholars will be treated as individuals and different treatment based on race, color, national origin, disability status, sex, sexual orientation, religion or any other characteristic protected by local, state, or federal law will not be tolerated. Anyone who feels that he or she has been treated differently on any such basis should speak with a counselor/social worker, who will apprise the Executive Director of all reports. Anyone who raises any concerns of discrimination on any basis will be free from retaliation for raising such a concern.

Gun Free Schools Act Policy

Federal and state laws require the expulsion from School for a period of not less than one year of a scholar who is determined to have brought a firearm to the School, or to have

possessed a firearm at school, except that the Executive Director may modify such expulsion requirement for a scholar on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended).

Any such expulsion must comply with the Individuals with Disabilities Education Act and its implementing regulations, for a scholar with or presumed to have disabilities.

“Firearm” as used in this law is defined by 18 USC § 921(a), and includes firearms and explosives.

The Executive Director shall refer to the criminal justice or juvenile delinquency system any scholar who brings a firearm or weapon to the school. “Weapon” as used in this context shall mean any device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and half inches in length.

Search and Seizure Policies and Procedures

For the safety of scholars and everyone in the LAB community, school property that is assigned to scholars, including lockers, coat racks, cubbies, and desks, remain the property of the School. Scholars, therefore, have no expectation of privacy in these areas. School authorities will make an individual search of a scholar’s bag, desk, cubbies, lockers and person only when there is reasonable suspicion to believe that a scholar is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process. Searches will be conducted under the authorization of the Executive Director or his/her designee. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from scholars’ desks, bags, backpacks, cubbies, lockers and person by school personnel.

Dignity for All Scholars Act Policy

LAB has zero tolerance for bullying of any kind. LAB is committed to providing a safe and productive learning environment in which all scholars are treated with respect and dignity. In accordance with New York State’s Dignity for All Scholars Act (“DASA”), LAB will promptly address all incidents of harassment and/or discrimination of or by any scholar enrolled at the School. This includes bullying, taunting or intimidation in all their myriad forms.

Policy Definitions

“*School property*” 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; or in or on a school bus, as defined in section 142 of the vehicle and traffic law.

“*School function*” means a school-sponsored extracurricular event or activity.

“*Harassment*” and “*bullying*” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a scholar’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a scholar to fear for his or her physical safety; or (c) reasonably causes or would be reasonably expected to cause physical injury or emotional harm to a scholar; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“*Cyberbullying*” shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Scholars’ Rights

No scholar shall be subjected to harassment or bullying, including cyberbullying, by employees or scholars on school property or at a school function. Additionally, no scholar shall be subjected to discrimination based on the scholar’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or scholars on school property or at a school function.

The LAB Disciplinary Policy and Code of Conduct prohibits harassment and bullying, and scholars who engage in such behavior will be disciplined as set forth in the Code of Conduct. Further, the School reserves the right to discipline scholars, consistent with our Code of Conduct, who engage in harassment or bullying of scholars off school property under circumstances where such off-campus conduct:

- Affects the educative process;
- Endangers the health and safety of LAB scholars within the educational system; or
- Is reasonably believed to pose a danger to the health and safety of School scholars within the educational system.

This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the School and/or which school officials reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the school.

Dignity Act Coordinator (DAC)

LAB has designated a staff member at each campus to serve as the Dignity Act Coordinator (DAC). The DAC is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The DAC will be accessible to scholars and other employees for consultation and

advice.

The names and contact information for the DACs are posted on the LAB website and are as follows:

Middle School. Stephanie Mitchelson-Francois--Social Work/Counselor,
e. sfrancois@brooklynlaboratoryschool.org. | p. 347-907-5307

High School. Lora Greico, Senior Social Worker,
e. lgreico@brooklynlaboratoryschool.org. | p. 347-988-2483

DASA at LAB

All LAB staff, scholars, and families are educated on the meaning and importance of DASA. All staff complete a multi-day DASA training. At family orientation, we discuss the definitions of harassment and bullying, policies, procedures and consequences. At scholar orientation, DASA is one of the primary objectives; we focus explicitly on the rationale and importance of this policy and lift up scholar voices to share and enlist their peers in the value of creating a safe and inclusive community. Through advisory, success coaching, community circles and integration of our core values into lessons, we reteach and reinforce these messages. Through restorative practices and teachable moments, we use disruptions of the code of conduct (including DASA) as moments to teach the community and reinforce proper conduct.

Reporting and Investigating

All staff members are responsible for reporting harassment, bullying or discrimination of which they have been made aware to their immediate supervisor. Any scholar who believes that s/he is being subjected to harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination to any staff member, the DAC, or to the School Director. A staff member who witnesses harassment, bullying or discrimination, or who receives an oral or written report of harassment, bullying or discrimination, shall promptly orally notify the School Director not later than one school day after witnessing, or receiving a report of, such acts and shall file a written report with the School Director not later than two school days after making such oral report.

The School Director shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority (e.g., the Executive Director or the Board of Trustees) and/or other official designated by the Board to investigate allegations of harassment, bullying or discrimination. When an investigation reveals any such verified harassment, bullying or discrimination, the School will take prompt actions that are reasonably calculated to: end the harassment, bullying or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with the LAB Discipline Policy and Code of Conduct, which uses a restorative process to respond to

behavioral infractions, utilizing supports and interventions to help improve scholar behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Material incidents of harassment, bullying and/or discrimination on school grounds or at a school function will be reported to the State Education Department as required by law.

The School Director shall promptly notify law enforcement authorities when the School Director believes that any harassment, bullying or discrimination constitutes criminal conduct.

No Retaliation

LAB prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment, bullying or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and School policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Distribution of Policy

LAB shall distribute a written or electronic copy of this Policy to all employees, scholars, and parents/guardians at least once during every school year.

Procedures and Due Process for Short-Term Suspension

A short-term suspension refers to the removal of a scholar from the LAB school community for disciplinary reasons for a period of up to ten (10) days. This includes in-school and out-of-school suspension.

The Executive Director or the Deputy Superintendent may impose a short-term suspension and shall follow due process procedures consistent with applicable federal case law. Before imposing a short-term suspension, the Executive Director or the Deputy Superintendent shall notify the scholar orally of the charges against him or her. If the scholar denies the misconduct, the Executive Director or the Deputy Superintendent must provide an explanation of the evidence against the scholar. The scholar shall be given an opportunity to deny or explain the charges against him/her that led to the suspension. The Executive Director or the Deputy Superintendent shall immediately notify the parent(s) or guardian(s) in writing that the scholar may be suspended from school. The written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension, at the last known address(es) of the parent(s) or guardian(s). Notification also shall be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent(s) or guardian(s).

The notice shall provide a description of the incident for which suspension is proposed and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Executive Director or the Deputy Superintendent. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s). At the conference, the parent(s) or guardian(s) of the scholar and the scholar shall have the opportunity to present the scholar's version of the incident and to ask questions of complaining witnesses under such procedures as the Executive Director or the Deputy Superintendent may establish. The notice and opportunity for an informal conference shall take place before the scholar is suspended unless the scholar's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon as possible after the suspension as is reasonably practicable.

An appeal of the decision of the Deputy Superintendent or the Executive Director may be made to the LAB Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) calendar days of the date of the Executive Director's decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances precluded them from doing so. The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. Final decisions of the Board may be appealed to the School's authorizer:

New York State Education Department
Charter School Office
89 Washington Avenue
Room 5N Mezzanine
Albany, NY 12234
(518) 474-1762

Procedures and Due Process for Long-Term Suspensions or Expulsion

A long-term suspension refers to the removal of a scholar from the LAB school community for disciplinary reasons for a period of more than ten (10) days. This includes in-school and out-of-school suspension. Expulsion refers to the permanent removal of a scholar from school for disciplinary reasons. This is the final level of correction.

Upon determining that a scholar's action warrants a possible long-term suspension or expulsion, the following procedure, consistent with applicable federal case law, will be followed:

- The scholar shall immediately be removed from the class or the school, as needed.
- The scholar shall be informed of the charges and the evidence for those charges; where applicable, the scholar will have the opportunity to explain his or her side of the events.
- The Executive Director shall immediately notify the parent(s) or guardian(s) of the scholar, in person or on the phone.

- The Executive Director shall provide written notice that the school is going to commence a disciplinary hearing to the scholar and his or her parent(s) or guardian(s) by personal delivery or express mail delivery as soon as possible to the last known address of the parent(s) or guardian(s). Such notice shall provide a description of the incident which resulted in the suspension and shall state that a formal hearing will be held on the matter which may result in a long-term suspension or expulsion. The notification provided shall be in the dominant language used by the parent(s) or guardian(s) if it is known to be other than English. The notice will state that at the formal hearing, the scholar shall have the right to be represented by counsel, present and question witnesses, and present evidence.
- The School will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- An audio transcript of the formal hearing will be created and made available to all parties upon request.

The Executive Director, or his/her designee, shall serve as hearing officer and preside over the hearing. When the Executive Director does not serve as hearing officer, the designated hearing officer shall provide a report to the Executive Director which shall be advisory only and the Executive Director may accept or reject all or part of it. A written decision will be issued within five school days after the formal hearing to the scholar and his/her parent(s) or guardian(s).

An appeal from the written decision may be made to the LAB Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) calendar days of the date of the written decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances precluded them from doing so. The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. Final decisions of the Board of Trustees may be appealed to the School's authorizer:

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Charter School Office
89 Washington Avenue
Room 5N Mezzanine
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(518) 474-1762

Provision of Instruction During Removal

LAB will ensure that alternative educational services are provided to a scholar who has been suspended or removed to help that scholar progress in the general curriculum of LAB. Alternative instruction for suspended scholars will be of sufficient duration to enable a scholar to cover all class material, take all tests and quizzes, keep pace with other scholars, and progress to the next grade level. All suspended scholars are entitled to receive alternative instruction commencing within 24 hours of the suspension or expulsion. Alternative instruction dates and times will be listed on the scholar's suspension letter. All scholars will be provided with a minimum of two hours per day of alternative instruction.

For a scholar who has been expelled, alternative instruction will be provided in like manner as a suspended scholar until the scholar enrolls in another school or until the end of the school year, whichever comes first.

Instruction will take place in one of the following locations: the scholar's home, a contracted facility or a suspension room at a LAB facility. One or more of the following individuals will provide instruction: teacher, teacher aide, or a tutor hired for this purpose. Please note that whoever administers this instruction will meet all certification requirements as stipulated in Section 2854(3)(a-1) of the New York State Education Law.

Discipline for Scholars with Disabilities

General

In addition to the discipline procedures applicable to all scholars, the following procedures are applicable to scholars with disabilities. A scholar not specifically identified as having a disability but whose school district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge—in accordance with 34 CFR 300.534—that a disability exists shall also be disciplined in accordance with these provisions. The School shall comply with sections 300.530-300.536 of the Code of Federal Regulations and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.

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

Scholars whose IEP includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the scholar or others if the BIP is followed with respect to the infraction, the matter will immediately be referred to the appropriate Committee on Special Education (CSE) for any

consideration of changes.

A scholar identified as having a disability shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the scholar's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

In considering the placement of scholars referred because of disciplinary problems, the CSE of the scholar's district of residence is expected to follow its ordinary policies with respect to notification and involvement of the parent or guardian.

LAB will ensure that the Scholar Services Coordinator or special education teacher and/or the general classroom teacher will attend all meetings regarding their scholars initiated by the CSE of the scholar's district of residence. These meetings could be relating to the development and implementation of behavioral intervention plans, initial referrals, change in service, or annual reviews, Manifestation Determination Reviews (MDRs), among other things

Provision of Services During Removal

The School will place scholars in an interim alternative educational setting as appropriate and mandated by 34 C.F.R. §§ 300.530 and 300.531.

Scholars removed for a period of fewer than ten cumulative days during the school year will receive all classroom assignments and a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended scholar to make up assignments or tests missed as a result of such suspension. The School also shall provide alternative instruction to assist the scholar, so that the scholar is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

During any subsequent removal that, combined with previous removals equals ten or more school days during the School year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, School personnel, in consultation with the child's special education teacher, shall make the service determination.

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the scholar to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the scholar's district of residence will make the service determination.

During any removal for drug, weapon, controlled substance and/or serious bodily injury offenses pursuant to 34 CFR §300.530(g), services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the scholar's district of residence.

Additional Due Process: Manifestation Determination Review (MDR)

If discipline that would constitute a change in placement is contemplated for any scholar with a disability, the following steps shall be taken: (1) no later than the date on which the decision to take such action is made, the parent or guardians of the scholar with a disability shall be notified by the School of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE of the scholar's district of residence and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the scholar's behavior was not a manifestation of his or her disability, then the scholar may be disciplined in the same manner as a scholar without a disability, except as provided in 34 CFR §300.530(d), which relates to the provision of services to scholars with disabilities during periods of removal.

A scholar's parent(s) or guardian(s) may request a hearing to challenge the manifestation determination. Except as provided below, the scholar will remain in his or her current educational placement pending the determination of the hearing.

If a parent or guardian requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary change in placement that would exceed ten (10) consecutive school days, including a disciplinary change in placement relating to weapons or drugs, the scholar shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent or guardian and School agree otherwise.

Scholars with a 504 Plan and “Deemed to Know” Scholars

With regard to disciplinary actions, including suspension or expulsion, the Section 504 rights of charter school scholars with disabilities are the same as other scholars with disabilities.

When addressing discipline for scholars with disabilities, including scholars with 504 plans or those who are “presumed to have a disability,” LAB will comply with applicable legal requirements governing the discipline of a scholar for misconduct.

Compliance with the Child Find Requirements of IDEA

LAB will comply with the federal Child Find requirements (34 CFR §300.111), which require schools to have in place a process for identifying, locating and evaluating scholars with disabilities. Scholars enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education teachers) to identify any possible indication that the child may need a specialized or Individualized Education Program, or referral to the CSE of the scholar's district of residence. Other scholars will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Strategies will then be implemented to address any identified special needs of the scholar. Should the problems persist and a disability is suspected, the scholar will be referred to the CSE of the scholar's district of residence for an evaluation.