



**West Buffalo Charter School  
2020-2021**

**Student/Parent Handbook**

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## COVID Instructional Plan Disclaimer

**Please Note:** *The policies and procedures outlined in this handbook were written prior to the current COVID-19 modified instructional period. Any references to: arrival, dismissal, uniform, after-school, before school care, cafeteria, etc. are superseded by the WBCS Reopening Guidelines which are posted on the WBCS website.*

# WELCOME TO WEST BUFFALO CHARTER SCHOOL

The purpose of this handbook is to provide information to assist you in understanding the policies and procedures of our school. We believe that communication between school and home is essential. You are welcome to visit our school and take an active role in the education of your child.

## Mission Statement

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Tomorrow's future leaders are sitting in our classrooms today. With small class sizes, a rigorous curriculum aligned with the NYS Learning Standards, and high expectations, West Buffalo Charter School develops an exceptional foundation of literacy skills for *all* students in grades K-8. West Buffalo Charter School is a place where diversity is celebrated, individual differences are accepted, and student success is maximized.

**West Buffalo Charter School**  
**We READ.**  
**We LEAD.**  
**We SUCCEED!**

## Belief Statements

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West Buffalo Charter School believes in...

- A small, safe learning community. Serving grades K-8
- High teacher-to-student ratio with approximately 20 students per classroom K-4 and 25 students per classroom in grades 5-8.
- An extended school day.
- Differentiated and intensive instruction in all academic areas.
- Developing language acquisition, literacy skills, and reading proficiency.
- Building positive, respectful relationships between staff, students, parents, and the community.
- Integrating Art, Music, Physical Education, and STEAM classes to educate the whole child.
- Ongoing staff professional development focused on innovative instructional tools and technology integration.
- Partnering with Buffalo Hearing & Speech, Canisius College, and other local organizations to support and enhance student learning.
- Creating a school committed to excellence in education.

## School Day

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The instructional school day for students **starts at 8:00 am and ends at 3:30 pm**. Students are given a lunch period and recess daily. Throughout the day they receive instruction in core subjects such as Reading, Writing, Mathematics, Science, and Social Studies. During the week (Mon.-Fri.) students also participate in Art, Music, Physical Education and STEAM classes.



## Arrival Time

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Buses arrive at school starting at 7:15 am for our “JumpStart” before school program. This will enable children to spend additional time with their peers, receive homework help, and prepare for the day. Students receiving a ride to school other than the bus should be dropped off at the entrance on Lafayette Ave. between **7:15 and 8:00 am**. After this time students must enter through the Main Entrance on Barton and will be marked tardy.

## Dismissal Time

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**Instructional time ends at 3:30 pm**. If you find it necessary to pick up a student **before 3:30 pm**, parents are asked to report to the Main Office, sign the dismissal log, and show identification. The student will be called to the Main Office to meet you.

If you are picking up a student at regular dismissal time, please report to the Main Lobby with identification **no earlier than 3:20 pm** to sign the student out. For security reasons, please remain in the waiting area until the student is dismissed. **Parents are not permitted to visit the classrooms unless they have a pre-arranged meeting with the teacher.** We need everyone to cooperate in this matter. We will begin calling students' names around 3:30 pm.

**Students must be picked up immediately following dismissal at 3:30 pm.** If you are

unable to pick your child up at 3:30 pm, please contact the Main Office and share your plan for dismissal. **There is no supervision for students after 3:30 pm.**

## Early Dismissal

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A request to have a student excused from school early should be sent with the student the morning of the dismissal. If you need to call regarding an early dismissal, you must call before 2:30 pm. **Early dismissal ENDS at 3:10 pm** and a note must be sent in to the teacher ahead of time. If picking up a student after 3:10 pm, you will be asked to wait until regular 3:30 pm dismissal. The student will remain in the classroom until the teacher is notified by the Main Office to release him/her. You or someone you authorize **MUST SIGN THE CHILD OUT AT THE MAIN OFFICE**. No child will be released from their classroom without proper notification.

## Tardiness

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A student who arrives late (**after 8:00 AM**) must report to the Main Office with a parent/guardian and an excuse. The student will then receive a late pass for admittance to his/her classroom. **Students must be in their classrooms by 8:00AM.**

## Dress Code - Uniforms

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- West Buffalo Charter School requires school uniforms to be worn daily with the exception of “Proud to be Me Fridays.” All students must wear:
  - Sneakers (at all times)
  - Khaki (tan) dress pants, skirt or skort
  - Navy blue or white polo shirt (purchased wherever you choose) **WITH** a WBCS Patch (purchased at WBCS)
  - Navy blue or white long sleeve t-shirt or sweatshirt (solid navy or white **ONLY**)

## **West Buffalo Charter School Website and Facebook Page**

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Please check out our website at [www.westbuffalocharter.org](http://www.westbuffalocharter.org). It is updated on a regular basis and you can find various information such as upcoming events, links to classroom websites, and how to email your child's teacher or Administration. Our **Facebook Page** is also updated often with important information.

### **Pet Visitors to School**

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Students love to bring their pets to school. Many students have allergies, and there is always the risk of bites. Because of this, we ask that you not bring pet visitors into the building.



### **Visitors**

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For the safety of the children, school personnel must know **at all times** who is in the building. **The doors are locked at all times. All visitors must first report to the Main Office** to state the purpose of their visit and obtain a visitor pass before going to any part of the building. Parents are asked NOT to visit their child's classroom before, during, or at the end of the school day unless the teacher is notified ahead of time, as it causes disruption in the classroom. Parents who have a scheduled appointment will be allowed to the room only after the office calls to see if the teacher is ready for the appointment.

### **Visiting Sibling(s) Prior To and After Events**

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In an effort to not disrupt classroom learning and instruction, we ask that you do not visit any siblings prior to or after a school event. Siblings will not be permitted to leave the classroom to attend sibling events during the school day.

## **Volunteers**

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If you would like to volunteer in your child's classroom on a regular basis, please contact the Main Office to set up a volunteer orientation. All classroom volunteers must participate in the orientation.

### **Parent Conferences**

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Conferences enable parents and teachers to get better acquainted and discuss student progress. Although all parents are scheduled for a conference in November, additional conferences may be scheduled by the parents or teachers at any time throughout the school year.

### **Emergency Contact Information**

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It is extremely important to have emergency contact information on file for every student in the school. Please make sure to contact the Main Office if your contact information changes at any point throughout the school year. This includes names, addresses, and phone numbers of person(s) to be contacted should an emergency occur.

### **Change of Address or Phone Number**

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To ensure WBCS has the most up-to-date information, notify the Main Office if there has been a change in address, phone number, etc.

### **Residency**

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If moving out of the Buffalo Public School District, you **MUST** register your child with the district of residence immediately. You **may** still attend WBCS. Bussing may be available from your district of residence.

## Homework

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Homework is designed to practice skills learned in the classroom. To help with homework, students should have a PLAN and a PLACE.

**PLAN:** A time for study at home.

**PLACE:** A place at home to study free from distractions.

We also recommend that every child read 20 minutes daily. This can be anything he/she enjoys (newspaper, comic book, library book or magazine).

At the beginning of the year, classroom teachers will explain their homework policy and the types of assignments given. A copy of the homework policy will be sent home to you upon request.

## Personal Property

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The school is not responsible for loss of personal property. Personal belongings should be clearly marked with the student's name and the name of the teacher. If items are lost, please check the school's Lost and Found. Toys and electronics are NOT permitted at school unless special permission is granted by Administration.

## Fire Drills and Lockdown Drills

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Fire drills and lockdown drills are required by law and are an important safety precaution. For fire drills, students are familiarized with the routine at the start of the school year.



Students are requested to leave the building promptly and in a quiet, orderly manner. All visitors to the building must exit the building also. Lockdown drill notification will be sent home prior to the drill(s) taking place. These drills will be handled in an age appropriate manner.

## Care of School Property

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At West Buffalo Charter School we take pride in our building and try to instill in students this same pride. Students should not mark school furniture, walls, floors, or equipment with pens, pencils, markers, or any other instrument. They should not tamper with the fire alarms, fire extinguishers, or any electrical system in the school. Anyone who willfully destroys school property through vandalism, arson, larceny, or who creates a hazard to the safety of our students will be referred to the proper law enforcement agency.

## Attendance

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Students at West Buffalo Charter School are expected to be present every day unless excused for the following reasons:

- ❖ Illness of Student
  - o Fever
  - o Vomiting
  - o Diarrhea
  - o Continuous cough
  - o Red, itchy eyes
  - o Sore throat with white patches
  - o Active lice
- ❖ Death or illness in the immediate family
- ❖ Quarantine
- ❖ Court appearance
- ❖ Hazardous weather conditions
- ❖ Religious observance
- ❖ Remedial health treatment
- ❖ Attendance at organized clinic

We believe that regular attendance is essential for student success. When a child is absent, he/she not only misses work on that day of absence, but also is usually unprepared the following day because of missed instructional time. In the event your child is absent, please send a written excuse upon his/her return to school. The excuse

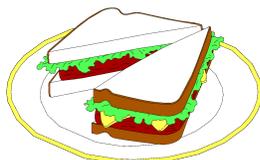
should state the reason for the child's absence. If the absence extends beyond two days, please call the Main Office.

**\*\* See attached attendance policy for more details.**

### **Breakfast & Lunch Program**

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Breakfast and lunch are provided daily by Buffalo Public Schools **at no cost to the student.** Children have the option of bringing a bagged lunch. Lunch menus are sent home with students at the beginning of each month.



### **Emergency School Closing**

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In the event that school is closed due to inclement weather or an unforeseen emergency, the announcement will be made over television and most radio stations between the hours of 5:30 am and 8:00 am. **Please note if Buffalo Public Schools are closed due to weather West Buffalo Charter School will also be closed.**

**In rare instances it may be necessary to close school prior to the scheduled dismissal time. Please make sure your child knows what to do and where to go if you are not at home and the house is locked. Also, please make sure your contact information is up to date.**

### **School Health Services**

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A School Nurse is available during school hours. If illness or injury occurs, parents will be notified. In the event that your child must take medication during the school day, please do the following:

- ❖ Send a statement from your doctor indicating the purpose of the medication, the dosage, time to be



administered, duration of medication, and possible side effects.

- ❖ The parent is requested to bring medication to the school in the original well-labeled container received from the pharmacy.
- ❖ A signed note from the parent should be sent to the school requesting that the child take the medication.
- ❖ Medication that is not prescribed by a physician (including cough drops, vitamins, Tylenol, Motrin, sunscreen or bug spray, etc.) cannot be administered by the School Nurse. Any questions regarding medication can be answered by calling the school Health Office.

### **Field Trips**

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Field trips are an extension of curriculum and daily instruction. **Therefore, students are expected to attend.** Permission slips will be sent home prior to the field trip and must be returned. Students will not be able to attend if they do not have a written permission slip.

### **Birthday Treats**

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If you would like to bring in a treat to celebrate your child's birthday, please contact the teacher ahead of time to discuss a time that does not interfere with instruction.

### **Outside Food**

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Students who enter the building with outside food and drink such as Tim Hortons, McDonalds, etc. will not be allowed to enter the classroom with the food. They will be asked to finish the food and drink in the Main Office.

## Transportation

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Our school provides transportation (through Buffalo Public Schools) for students residing in Buffalo **and** living further than 0.75 miles from WBCS. If you have any questions about transportation service, please call the BPS Transportation Department at 816-4895. Please be sure to download the **First View App** for your phone to track your child's bus. Contact the main office for more information.

**\*Please be aware that during the first few weeks of school transportation runs late!**

### School Bus Safety

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For a safe and enjoyable ride to and from school, children should be reminded about good behavior on the bus.

Tips for Safe School Bus Riding:

- ❖ **Leave home early enough to arrive at your bus stop on time (10 mins. before/after scheduled time).**
- ❖ Wait for your bus in a safe place that is away from the road.
- ❖ Enter your bus in an orderly manner and take your seat.
- ❖ Follow the instructions of your school bus driver or bus monitor.
- ❖ Remain in your seat while your bus is in motion.
- ❖ Keep your head and arms inside the bus at all times.
- ❖ Keep aisles clear at all times.
- ❖ Remain quiet and orderly.
- ❖ Be courteous to your school bus driver and fellow passengers.
- ❖ Be alert to traffic when leaving the bus.
- ❖ Walk to your bus stop.



### Stops Other Than Home

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If your child will be dropped off at a daycare, afterschool program, etc. you **must** fill out the **Second Address Form**. You may get this form from the Main Office. **Please note requests will only be granted if the change is for the entire week (i.e. Monday through Friday).**

### Changes in Bus Information

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If there are any changes to transportation information (address, drop-off, etc.), you **must** fill out a new **Transportation Application** form. These forms are located in the Main Office. **It may take several days for the change to go into effect.**

### First Student Bus App

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Be sure to sign up for the First Student Bus App to get information in real time on the location and arrival time of the bus. Contact the Main Office for information.

### Student Bus Discipline

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Bus drivers and/or bus attendants may at times write a student up for inappropriate bus behavior. School Administration will address these issues with the student(s) involved. It is at the discretion of Administration to issue consequences for the write-up and any subsequent write-ups. These consequences may include issuing a warning to the student(s), phone call home, bus suspension, etc.

## **Student Responsibilities**

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- ❖ Use appropriate language
  - ❖ Treat all property with respect
  - ❖ Show respect for others
  - ❖ Report to all assigned areas on time, prepared and ready to work
  - ❖ Refrain from fighting, horseplay, or other acts of physical aggression
  - ❖ Remain in assigned area
  - ❖ No baseball caps or visors indoors
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## **Discipline Philosophy**

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All of our teachers are familiar with the research of Dr. Jane Bluestein and the Win-Win Classroom. It is a West Buffalo Charter School expectation that students learn to be respectful and responsible. Our faculty teaches and models respect and responsibility each day. We believe in offering “win-win” choices for our students. We set clear boundaries for our students and follow through with our actions.

At West Buffalo Charter School, we do not support a rewards/punishment system or peer/class humiliation to manipulate behavior.

We believe that students should be intrinsically motivated, and that external rewards such as stickers, points, tokens, and promises for free time actually work against building a child’s intrinsic motivation.

All behavior is motivated by needs. We make every attempt to meet the needs of our students in a positive, proactive manner through engaging instruction and through building relationships. If a child struggles with behavior, that child would be addressed privately and individually.

## Virtual Classroom Expectations for Students and Parents/Guardians

Students will be engaging in virtual learning during the 2020-2021 school year due to the COVID-19 pandemic. To ensure a positive, productive and enjoyable learning experience for all participants, it is important that all students and parents/guardians adhere to the following virtual learning expectations which include online behaviors for students and privacy guidelines for parents.

### Behavioral Expectations for Students

- Always be respectful and courteous to other students and teachers during virtual learning. Inappropriate, offensive or threatening comments; misrepresentation of identity, and/or disruptive behavior by any participants during virtual learning will not be tolerated and will result in disciplinary action at the discretion of Administration. Consequences will also be made in accordance with the Student Code of Conduct.
- Consequences may result in temporary or permanent loss of technology access, which would prevent the student from participating in virtual learning.
- Students must use their West Buffalo Charter School email account to log into their Google Classroom account.
- Login credentials must not be shared. Sharing of login information violates other students' and teachers' rights to confidentiality, and could allow class participation by unauthorized persons and/or lead to disruptive behaviors that detract from a productive and positive learning environment.
- Students should adhere to the provisions identified under the Student Acceptable Use Policy.

### Privacy Guidelines for Parents/Guardians

To maintain a positive, productive learning environment and assure confidentiality for students and teachers during distance learning, all parents/guardians are asked to adhere to the following privacy guidelines:

- Make sure your child has his/her camera on during instructional time with the teacher or class. We **must** be able to see the student at all times to confirm virtual attendance.
- Do not video record, audio record, photograph, live stream, or transmit in any other way any part of the Google Classroom or Google Meets. Refrain from posting Google Classroom/Meets content on any social media platform.
- Any confidential or personally identifiable information related to students participating during Google Meets or the Google Classroom should not be collected, discussed or shared.
- Parents/guardians should not engage with any student other than their own during virtual sessions. If you need to speak with your child during a virtual session, please mute your child's microphone when doing so.
- If a parent/guardian has a question, please email your child's teacher and/or Administration.

### Attendance Policy Addition During COVID-19 Pandemic

West Buffalo Charter School is committed to maintaining the highest standards for the health and well-being of our students, families, faculty and staff. The following outlines additions to the WBCS Attendance Policy to reflect the COVID-19 pandemic.

Attendance during virtual instruction will be closely monitored and recorded by school faculty and staff. Students must participate and have their cameras on for the duration of the virtual session in order to be counted as present.

West Buffalo Charter School will provide faculty, staff and families with guidance on when they should stay home and when they should return to school.

Faculty, staff and students should stay home IF:

- There has been close contact with a person with COVID-19 to monitor symptoms.
- The individual tests positive for COVID-19 or is exhibiting symptoms of COVID-19.

Per CDC guidelines, people with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

### **Excused Absences**

Student absences will be considered excused for the following reasons:

- If the student is quarantined due to possible exposure to COVID-19 or is exhibiting symptoms.
- If the student has traveled outside the country or to a “high-risk” location and must self-quarantine.
- If the student has tested positive for COVID-19.

During the excused absences, students will be provided remote (virtual) instruction. It is expected that students still participate in virtual instruction if medically and physically able to do so during these absences. If the student is ill and unable to participate in the virtual instruction, the student must make up any work missed during that time period.

### **Monitoring and Screening**

Protocols and procedures are in place for mandatory screening to track health conditions at school. Daily screening will include temperature checks and a completion of a health questionnaire prior to entering the building. Students, faculty and staff who do not pass the screen will immediately be placed in a quarantine location.

**West Buffalo Charter School**

## Attendance Policy

### **Statement of Overall Objectives:**

Every student has a right to educational opportunities that will enable the student to develop his or her fullest potential. Attendance policies are based on the principle that regular school attendance maximizes the student's interaction with his or her teachers and peers and is a major component of academic success. Improved school attendance generally increases student achievement. Therefore, attendance policies that provide for the early identification of attendance problems and effective methods to address them are most likely to succeed. Successful implementation of any attendance policy requires cooperation among all members of the education community, including parents/ persons in parental relation, students, teachers, administrators, and support staff.

### **Compulsory Education under New York State Law:**

School age minors age 6-16 must attend school regularly as prescribed where the student resides. The student must attend school the entire time classes are in session (NYS Education Law 3205). The compulsory education law is designed to require school attendance and insure that no child is denied the opportunity to receive an education. New York State compulsory education laws specify that each minor child from 6 to 16 years of age, mentally and physically fit, will be in regular attendance for the entire time school is in session. At the West Buffalo Charter School a child who becomes 6 years of age on or before January 1 during a school year is required to attend school beginning in September. According to State law, the school year begins July 1.

### **Description of Strategies to Meet Objectives:**

The School will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Maintain accurate record keeping to record attendance, absence, tardiness or early departure of each student.
- c) Develop strategies to improve school attendance for all students.

### **Attendance/Participation Regulations:**

- a) The attendance policy begins upon the first day of formal enrollment in each class. Enrollment in class begins when a teacher is notified of placement.
- b) It is the responsibility of students to contact their teachers regarding missed tests and class assignments.
- c) If a student is absent for more than 50% of a given class period, it will be considered an absence.
- d) Students who do not attend classes do not participate in the learning that takes place. Students and families should be aware that a lack of class participation is a factor that can be considered in the course grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.
- e) Each classroom teacher will compare the day's student absence list against the class register of each period to verify the correctness of each source of information and alert the proper personnel as to conflicting data.

### **Excuses:**

- Within five days of a student's return to school from an absence, a written excuse from a parent or legal guardian must be received or the school must consider the absence "unexcused".
- Tardiness or early departure must be explained with a note from the parent/guardian on the day of the event.
- If an excessive pattern of legal absences is identified by the School Leader or his/her designee, the office will investigate the validity of the excuses and reasons for absences. If the absences are found to be unexcused, then they will be recorded as such.

**Parent and Student Notification:**

1. The school will provide a copy of the Attendance Policy to each parent and student at the beginning of the school year and upon registration of new students.
2. The policy will also be included in the Student Handbook.
3. The parents or guardians will be afforded several opportunities to learn of the attendance policy, such as at parent/teacher conferences, open houses, new student orientations or telephone conferences.
4. Periodic reminders of the attendance policy will be provided throughout the year.

**Faculty/Staff Notice:**

1. The school will provide copies of the attendance policy to all staff at the beginning of each school year.
2. All staff will meet with the School Leader at the beginning of each school year to review the attendance policy.
3. The school will develop and provide letters for parent notification of student absences.
4. The attendance policy will be posted in the school.

**Student Attendance Recordkeeping/Data Collection:**

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused".

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

**Notice of Students who are Absent, Tardy, or Depart Early Without Proper Excuse:**

The school staff will be responsible for notifying the parent/person in parental relation for a student who is absent, tardy or departs early without proper excuse. If the parent/person in parental relation cannot be reached, the staff member will provide such notification by mail.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance.

**Call-In Procedure:**

In the event your child is absent, please call the school at 923-1534. If we do not hear from you on the day your child is absent, an attendance call will be made. Parents are required to notify the school of their child's absence and are also required to send a written excuse upon the child's return to school explaining the reason for the absence. In the event that we are unable to verify the student's absence by phone or a written excuse was not sent in with the student, the absence will be marked as unexcused.

**Recording Attendance:**

Attendance is recorded each morning. Teachers mark students as either present, absent, or tardy. **The school day begins at 8:00 am.** Students are expected to be in their classrooms and ready to begin the day by 8:00 am. Students are marked tardy if they are not in the classroom within this specified time.

**Excessive Absences:**

**Excessive absence** from school is defined as **missing more than ten percent of school (excused or unexcused) within a marking period.**

1. At the completion of a marking period, parents/guardian of students who have missed more than ten percent of school will receive a letter from the school. The letter will include the total days absent and encourage regular attendance for the remainder of the school year.
2. If the student's attendance is not improved at the completion of the following marking period, parents/guardians will receive a second letter. This letter will include the total days absent and request a meeting with the School Leader to discuss the reason for the absences and to determine if resources or assistance from the school is needed to improve attendance.
3. After the second letter has been sent and a meeting to discuss the student's attendance has been conducted, if the student's attendance fails to improve, the School Leader will determine if further action is deemed necessary.
4. Students who miss 10 consecutive days without notifying the school with an excused reason will be exited from school enrollment and will need to seek registration at another school.

**Appeal Process:**

Students and/or parents may exercise the right to appeal to School Leader on the grounds that there are extenuating circumstances that warrant special consideration. All rulings on such appeals will be communicated in writing to the student and parents/guardians. A further appeal may be made to the Board of Trustees.

## **FREEDOM OF INFORMATION LAW POLICY**

### **West Buffalo Charter School**

As a public school, West Buffalo Charter School complies with the Freedom of Information Law.

Therefore, within five business days of the receipt of a written request for a record reasonably described, West Buffalo Charter School shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgment of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with provisions in the law.

West Buffalo Charter School shall not deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the school lacks sufficient staffing or on any other basis if the school may engage an outside professional service to provide copying, programming or other services required to provide the copy.

The school will require a person requesting lists of names and addresses to provide a written certification that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purpose of allowing that person to use such lists of names and addresses for solicitation or fund-raising purposes.

If the school determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the school will state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

Upon payment of, or offer to pay, the fee prescribed by the Freedom of Information Law, the school will provide a copy of such record and certify to the correctness of such copy if so requested, or as the case may be, will certify that it does not have possession of such record or that such record cannot be found after diligent search.

When the school has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it will do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the school must retrieve or extract such record or data electronically. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record.

West Buffalo Charter School will, provided it has reasonable means available, accept requests for records submitted in the form of electronic mail and will respond to such requests by electronic mail, using forms, to the extent practicable, consistent with the form or forms developed by the committee on open government and provided that the written requests do not seek a response in some other form.

## **Notification of Rights under FERPA for Elementary and Secondary Schools West Buffalo Charter School**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 2020

**PARENT COMPLAINT PROCESS  
WEST BUFFALO CHARTER SCHOOL**

Any individual will be able to bring complaints to the School Leader by submitting a letter addressed to the School Leader. If he or she is not satisfied with his/her response, then the individual will be able to bring the complaint to the Board of Trustees by submitting a letter addressed to the President of the Board of Trustees or by attending and participating in any public board meeting. Complaints made to the Board of Trustees shall be addressed by the first Board meeting following the meeting at which such complaint was made known.

Any individual who may not be satisfied with any response from the Board of Trustees to a complaint will be able to appeal that decision to the New York State Board of Regents. Notwithstanding any statute, rule, regulation or ordinance to the contrary, all of the requirements, provisions and procedures contained in New York Education Law §3813 governing the presentation of claims against the governing body of any school district or certain state supported schools shall be fully applicable to and shall govern the presentation of claims against the West Buffalo Charter School.

## West Buffalo Charter School

### DISCIPLINARY CODE

To ensure that an environment is created where teaching and learning can flourish, West Buffalo Charter School has developed a series of expectations that address proper student behavior, maintenance of order within the school and while people are engaged in school activities, and a statement of student rights and responsibilities.

School staff will ensure that parents and students are well informed of these policies both before enrollment and at the time that students sign up for enrollment in the charter school. As such, students will be completely knowledgeable about the behavior that is expected from them, and parents will be reassured that a positive and productive classroom environment will be maintained in the charter school. Parents will also be aware of the consequences for their children of disrupting the school environment. All staff will be trained in the implementation of these policies.

The discipline and order policies of the West Buffalo Charter School include the following components:

- Student Disciplinary Code
- Maintenance of Public Order on School Property
- Student Rights and Responsibilities

#### **I. Student Disciplinary Code**

Existing student discipline policies from many public school districts were examined in developing this code, and components of those district policies are evident throughout the discipline code of the West Buffalo Charter School.

This Code sets forth the charter school's policy regarding how students are expected to behave when participating in school activities, on and off school grounds, and how the school will respond when students fail to behave in accordance with these rules.

In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions. Depending on the severity of the infraction, disciplinary responses include suspension (short or long-term), detention, exclusion from extra-curricular activities, and expulsion. Where appropriate, school officials also will contact law enforcement agencies.

Definitions. For the purposes of this Code:

- "***short-term suspension***" shall refer to the removal of a student from school for disciplinary reasons for a period of five or fewer days;
- "***long-term suspension***" shall refer to the removal of a student from school for disciplinary reasons for a period of more than five days; and
- "***expulsion***" shall refer to the permanent removal of a student from school for disciplinary reasons.

#### A. Short-term Suspensions

A student who is determined to have committed any of the infractions listed below shall be subject minimally to a short-term suspension, unless the School Leader determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. Such student also may be subject to any of the disciplinary measures set forth in Part C of this Code, and, depending on the severity of

the infraction, a long-term suspension also may be imposed and referrals to law enforcement authorities may be made.

#### Disciplinary Infractions

- Attempting to assault any student or staff member
- Vandalizing school property causing minor damage
- Endangering the physical safety of another by the use of force or threats of force that reasonably place the victim in fear of imminent bodily injury
- Engaging in conduct that disrupts school or classroom activities, or endangers or threatens to endanger the health, safety, welfare, or morals of others
- Engaging in insubordination
- Failing to complete assignments, carry out directions, or comply with disciplinary sanctions
- Cheating on exams or quizzes, or committing plagiarism
- Forging notes or excuses
- Stealing, attempting to steal, or possessing property known by the student to be stolen
- Committing extortion
- Engaging in gambling
- Trespassing on school property
- Abusing school property or equipment
- Using obscene or abusive language or gestures
- Engaging in acts of sexual harassment, including—but not limited to—sexually related physical contact or offensive sexual comments
- Making a false bomb threat or pulling a false emergency alarm
- Possessing tobacco or alcohol
- Possessing radios, MP3 players, cameras, pagers, beepers or portable/cellular telephones or other electronic devices not being used for instructional purposes
- Wearing inappropriate, insufficient or disruptive clothing or attire
- Refusing to identify himself or herself to school personnel
- Repeatedly committing minor behavioral infractions that, in the aggregate, may be considered an infraction subject to formal disciplinary action
- Committing any other act that school officials reasonably conclude warrants a disciplinary response

#### Procedures and Due Process for Short-Term Suspensions

The School Leader may impose a short-term suspension. Before imposing a short-term suspension, the School Leader shall verbally inform the student of the suspension, the reason or reasons for it, and whether it will be served in school or out of school. The student shall be given an opportunity to deny or explain the charges. The School Leader also shall immediately notify the parent(s) or guardian(s) in writing that the student is suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone. Such notice shall provide a description of the incident or incidents that resulted in the suspension and shall offer the opportunity for an immediate informal conference with whomever has imposed the suspension. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s). Such notice and opportunity for an informal conference shall take place prior to the 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 shall take place as soon after the suspension as is reasonably practicable. The School Leader's

decision to impose a short-term suspension or removal may be appealed first to the Board of Trustees of the charter school and next to the chartering entity, the New York State Board of Regents.

### B. Long-term Suspensions

A student who is determined to have committed any of the infractions listed below shall be subject minimally to a long-term suspension, unless the School Leader or Board of Trustees determines that an exception should be made based on the circumstances of the incident and the student's disciplinary record. Such student may also be subject to any of the disciplinary measures set forth in Part C, to referral to law enforcement authorities, and/or expulsion.

#### Disciplinary Infractions

- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas or other dangerous object of no reasonable use to the student at school.
- Commit, or attempt to commit, arson on school property.
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school sponsored events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect himself or herself from injury.
- Vandalize school property causing major damage.
- Commit any act that school officials reasonably conclude warrants a long-term suspension.

In addition, a student who commits any of the acts listed in Section II below that would ordinarily result in a short-term suspension may, instead or in addition, be subject to a long-term suspension at the School Leader's discretion.

Federal and State Laws require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school, except that the School Leader may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing.

#### Procedures and Due Process for Long-Term Suspensions

The School Leader may impose a long-term suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the School Leader may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the School Leader shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension (or expulsion) and state the reasons for such actions. The School Leader also shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone. Such notice shall provide a description of the incident or incidents that resulted in the suspension and shall indicate 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). At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence. The School Leader shall personally hear and determine the proceeding, or may—at his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report shall be advisory only and the School Leader may accept or reject all or part of it. The School Leader's decision after the formal hearing to impose a long-term suspension or expulsion may be appealed first to the Board of Trustees and next to the chartering entity, the New York State Board of Regents.

### C. Additional Disciplinary Measures

The disciplinary measures listed below may be imposed in addition to short-term or long-term suspensions or, if an exception has been made by the School Leader to the imposition of a minimum suspension, in place of such suspension. Behavior not listed in A or B (above) of this Code but determined by appropriate school staff to warrant disciplinary action, including but not limited to missing classes without permission and arriving late to class without a reasonable excuse, also may be subject to these additional disciplinary measures.

In-school suspensions may be imposed only by the School Leader. All other disciplinary measures may be imposed by the School Leader or a teacher, who must inform the School Leader of such action by the end of the school day.

- a. Behavioral Contract: School staff may design written agreements with students subject to punishment under this code to identify target behaviors, define expectations, and describe consequences, provided that the affected student and his or her parent(s) or guardian(s) are informed that the decision to enter into such a contract is voluntary.
- b. Detention: After notice to the student and parent(s) or guardian(s), and provided that there is no objection from the student and parent(s) or guardian(s) and the student has appropriate transportation home, a student may be detained after school in detention.
- c. Loss of School Privileges: After notice to the student and parent(s) or guardian(s), a student may be suspended from participation in any or all extra-curricular activities. The student and parent(s) or guardian(s) shall be given an opportunity to meet informally with the School Leader or teacher involved. If possible, the School Leader or teacher involved shall hold any requested meeting prior to imposing the suspension from participation in extra-curricular activities.
- d. In-School Short-term Suspension: Students may be temporarily removed from the classroom and placed in another area of the school where the student will receive substantially equivalent instruction. The student and his or her parent(s) or guardian(s) will be given an opportunity for an informal conference regarding such suspension with whomever was involved in imposing the suspension.
- e. Suspension from School Transportation: As the result of misconduct occurring on a bus or other student transportation for school outings, and after notice to the student and his or her parent(s) or guardian(s), a student may be suspended from school transportation that may be offered for school outings.

### D. Provision of Services During Suspension, Removal or Expulsion

The Charter School will ensure that alternative educational services are provided to a child who has been suspended or removed to help that child progress in the school's general curriculum. Actual instruction—not merely the provision of classroom assignments—will be provided by a certified teacher. For a student who has been expelled, alternative instruction will be provided by a certified teacher until the student enrolls in another school or until the end of the school year, whichever comes first.

### E. Disciplinary Procedures for Students with Disabilities

In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities. The school will comply with the Individuals with Disabilities Act and its implementing regulations, New York's Education Law and the Commissioner's regulations, and the following procedures, except that in the event that the following procedures are inconsistent with federal or state law and regulations, such federal law and regulations shall govern. The school will work with the

Committee on Special Education of the student's school district of residence as necessary to ensure compliance with the IDEA.

Students with disabilities have the same rights and responsibilities as other students and may be disciplined for the same behavioral offenses. Students with disabilities are entitled to the notice, hearing and appeal procedures described above for suspensions. There are also additional safeguards for students with disabilities as described below.

1. Students for whom the Individualized Education Program ("IEP") includes specific disciplinary guidelines will be disciplined in accordance with those guidelines. If the disciplinary guidelines appear not to be effective or if there is concern for the health and safety of the student or others if those guidelines are followed with respect to a specific infraction, the matter will be immediately referred to the Committee on Special Education ("CSE") of the student's district of residence for consideration of a change in the guidelines.
2. Students for whom the IEP does not include specific disciplinary guidelines may be disciplined in accordance with standard school policy relating to each infraction. The CSE of the student's district of residence shall be notified immediately of any suspension or removal from classes, and the school shall work with the CSE to arrange appropriate alternate instruction. If there is any reason to believe that the infraction is a result of the student's disability, the student will immediately be referred to the referring CSE. The school will work with the CSE to consider a possible program modification following consultation with the referring educational agency.

If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended for a total of more than 10 days during the school year without the specific involvement of the district's CSE prior to the 11th day of suspension or removal, because such suspensions or removals may be considered to be a change in placement. In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.

3. In order to keep the resident district's CSE appropriately informed of any disciplinary actions taken, the school will notify the resident district's CSE whenever a procedural safeguards notice is issued pursuant to 34 CFR §300.504.
4. The school shall work with the district to ensure that the CSE of the student's district of residence meets within 7 days of notification of any of the following:
  - The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
  - The commission of any infraction that the school believes may be a result of the student's disability.
  - The commission of any infraction by a disabled student, regardless of whether the student had previously been suspended during the school year if, had such infractions been committed by a non-disabled student, the School Leader would seek to impose a suspension or removal in excess of five days.

5. When a student with a disability is suspended for more than 10 days, or on multiple occasions that, in the aggregate, amount to more than 10 days, in a school year, the manifestation team (including members of the CSE, the student's teachers, and the student's parent/guardian) must meet to determine whether the student's behavior was a "manifestation" of the student's disability as described below.

#### Protection for Children Not Yet Eligible for Special Education and Related Services

A student not specifically identified as having a disability but whose school district of residence or charter school has a basis of knowledge (in accordance with 34 CFR § 300.534) that a disability exists prior to the behavior which is the subject of the disciplinary action may request to be disciplined in accordance with these provisions.

#### Provision of Services During Removal for Children with Disabilities

Those students removed for a period less than ten days will receive all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. The school will also provide additional alternative instruction with the reasonable promptness and by appropriate means to assist the student, so that the student 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, but does not constitute a change in placement, during the school year, 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. In these cases, school personnel in consultation with the child's special education teacher, shall make the determination.

During removal for drug and weapon offenses or for infliction of serious bodily injury upon another person, 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 are made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR § 300.530(d).

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of a disability, the CSE of the student's district of residence will make the service determination.

#### CSE Meetings

Meetings of the CSE of the student's district of residence to either develop a behavioral assessment plan or, if the child has one, review such plan are required when (1) the child is first removed from his or her current placement for more than 10 school days in a school year; or (2) when commencing a removal which constitutes a change in placement.

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

### Manifestation Determination

If discipline which would constitute a change in placement is contemplated for any student, then (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability shall be notified of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) immediately, if possible, but in no case later than 10 school days after the date on which such decision is made, the CSE of the student's district of residence and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

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

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

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

### Records of Student Discipline

The charter school will maintain written records of all formal suspensions and expulsions including the name of the student, a description of the behavior engaged in, the disciplinary action taken, records of all correspondence with parents, documentation of alternative instruction by a certified teacher, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

## **II. Maintenance of Public Order on School Property**

The following rules shall govern the conduct of students, teachers, staff, licensees, invitees, and other persons, whether or not their presence is authorized, on all property or facilities operated under the auspices of the charter school.

These rules and penalties are not to be considered exclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal, state or local law, rule, regulation or ordinance, or the imposition of a fine or penalty provided for therein. Additionally, these rules and regulations should not be construed to limit, but rather exist in conjunction with any other codes of conduct established for the school, such as a disciplinary code and/or bill of student rights and responsibilities.

- A. Prohibited Conduct: No person, either singly or in concert, shall:
  1. Willfully cause physical injury to any other person, or threaten to use force that would result in such injury.
  2. Physically restrain or detain any other person, nor remove such person from any place where he or she is authorized to remain, except as necessary to maintain the established educational process.
  3. Willfully damage or destroy school property, nor remove or use such property without authorization.

4. Conspire to or participate in an incident of group violence or gang-related activity or violence.
5. Without permission, express or implied, enter into any private office or classroom of an administrative officer, teacher, or staff member.
6. Enter or remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others.
7. Without authorization, remain in any building or facility after it is normally closed, nor without permission enter any building or facility prior to its normal opening.
8. Refuse to leave any building or facility after being required to do so by the School Leader or an authorized administrative officer or his/her designee.
9. Willfully obstruct or interfere with the free movement of persons and vehicles.
10. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any person to express his or her views, unless such disruption is necessary to maintain order of the educational process.
11. Possess on school property any rifle, shotgun, pistol, revolver, knife, chain, club or other weapon, whether or not the person has a license to possess such weapon. Further, it is the duty of the School Leader to inform the police of the presence or use of any such weapon or implements used as weapons on school property.
12. Commit acts that threaten the safety and welfare of persons on school property.
13. Violate any federal or state statute or regulation, local ordinance or school policy.
14. Possess, use, distribute or being under the influence of alcohol, drugs (including synthetic marijuana) or drug paraphernalia.
15. Harass, bully, haze or coerce any person.
16. Discriminate against any student, administrator, teacher or other staff member.
17. Sexual harassment another or commit sexual acts on school property or at school sponsored events.
18. Retaliate against another person for bringing a complaint of inappropriate or prohibited conduct, including under the school's Dignity for All Students Act policy, for serving as a witness, or participating in an investigation of inappropriate conduct.
19. Refuse or fail to comply with a lawful order or direction of a school official in the performance of his or her duty.
20. Distribute or post on school property any written material, pamphlets or posters without the prior approval of the School Leader.
21. Dishonest behavior.
22. Use school property for unapproved uses.
23. Insubordination.

B. Penalties and Enforcement: Penalties for violations of these rules include, but are not limited to:

- the withdrawal of authorization to remain upon school property;
- ejection;
- arrest;
- for students, suspension or other disciplinary action; and
- for school employees, dismissal or other disciplinary action.

Staff members are required to report known violations of these rules to the School Leader and to make reasonable efforts to stop the prohibited conduct. The School Leader is responsible for the enforcement of these rules.

### **III. Student Rights and Responsibilities**

- A. Participation in School Activities: All students have the following rights:
1. To have the opportunity to take part in all school activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, sexual orientation, gender or sex or disability.
  2. To address the school on the same terms as any citizen.

Similarly, all students are bound by the same rules for exclusion from school activities and public address.

- B. Records  
The Family Education Rights and Privacy Act of 1974 (FERPA) requires a school to protect a student's privacy. The school will not disclose any information from the student's permanent records except as authorized pursuant to FERPA, or in response to a subpoena, as required by law. The parent(s) or guardian(s) of a student under 18 years of age, or a student 18 years of age or older, is entitled to access to the student's school records by submitting a written request to the School Leader. Further information concerning the disclosure of student information and limitations on such disclosure may be found in FERPA.

- C. Freedom of Expression
1. Students are entitled to express their personal opinions verbally, in writing, or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves, and written expression of opinion must be signed by the author. Any form of expression that involves libel, slander, the use of obscenity, or personal attacks, or that otherwise disrupts the educational process, is prohibited. All forms of expression also must be in compliance with the Student Disciplinary Code, violations of which are punishable as stated in the Disciplinary Code.
  2. Student participation in the publication of school sponsored student newsletters, yearbooks, literary magazines and similar publications is encouraged as a learning and educational experience. These publications, if any, shall be supervised by qualified faculty advisors and shall strive to meet high standards of journalism. In order to maintain consistency with the school's basic educational mission, school authorities control the content of such publications.

No person shall distribute any printed or written materials on school property without the prior permission of the School Leader. The School Leader may regulate the content of materials to be distributed on school property to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school. The School Leader may also regulate the time, place, manner and duration of such distribution.

- D. Search and Seizure
1. A student and/or the student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities.
  2. Student lockers and desks remain the property of the school, though the school is not responsible for books, clothing, or valuables left in lockers or desks. A student shall not place or keep in a locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school.

3. The following rules shall apply to the search of school property assigned to a specific student and seizure of illegal items found therein:
  - a. School authorities will make an individual search of a student's locker or desk only when there is reasonable suspicion to believe that a student 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.
  - b. Searches shall be conducted under the authorization of the School Leader or his/her designee.
  - c. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from student lockers or desks by school authorities.

E. Off-Campus Events

Students at school sponsored off-campus events shall be governed by all the guidelines of the school and are subject to the authority of school officials. Failure to obey the lawful instructions of school officials shall result in a loss of eligibility to attend school sponsored off-campus events and may result in additional disciplinary measures in accordance with the Student Disciplinary Code.

F. Discipline

1. Prohibited conduct and acceptable school responses to such conduct are set forth in the Student Disciplinary Code. In disciplinary matters, students shall have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the professional staff member imposing such sanction.
2. A student may be suspended from instruction only after his or her rights to due process have been observed.



**West Buffalo Charter School**

## **Dignity for All Students Act**

Student Discrimination, Harassment,  
and  
Bullying Prevention and Intervention

WBCS DASA Coordinator:  
Rachel Banas

[Rbanas@westbuffalocharter.org](mailto:Rbanas@westbuffalocharter.org)

The West Buffalo Charter School Board of Trustees ("Board") is committed to providing an educational environment that promotes respect, dignity, and equality. The Board recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation, are detrimental to student learning and achievement. These behaviors both interfere with the mission of West Buffalo Charter School to educate its students and disrupt the operation of its schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts.

The Board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting, or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, and at school functions, which means school-sponsored, extra-curricular events or activities.

NOTE: The Dignity Act prohibits discrimination and/or harassment of students on school property and at school functions by students and/or employees. However, harassment can include, among other things, the use, both on and off school property, of information technology, including, for example, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

While the Dignity Act applies to the above-referenced conduct on school property or at a school function, it should be noted that the charter school may discipline students for off-school-property/off-school-campus conduct under certain circumstances.

## **DEFINITIONS**

### **Harassment**

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and has developed its policy to comply with them. It is also the Board's goal, in developing its policy, to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability.

Harassment is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation

- Gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

## **Bullying**

Bullying consists of unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school, or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Bullying generally involves the following characteristics:

- An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- The Intent to Cause Harm: The person bullying has a goal of causing harm. This can be difficult to determine, so the perception of the person who is the target of the behaviors should also be considered.
- Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include:

- Verbal: Name calling, teasing, inappropriate comments, taunting, and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, telling other students not to be friends with someone, and embarrassing someone in front of others.
- Physical: Hitting, punching, shoving, kicking, pushing, spitting, tripping, pushing and taking or breaking someone's things.
- Microaggressions: Brief, everyday exchanges, verbal and non-verbal, that send messages to certain individuals that because of their group membership, they have little worth, which over time can cause emotional harm, such as avoiding an empty seat in class because it is next to someone or sighing heavily to indicate disapproval each time a student in a particular group walks into the classroom.

## **Hazing**

Hazing is when a person intentionally or recklessly engages in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to that person or a third person and causes injury. If physical injury does not occur, conduct can be hazing if the person acts intentionally or recklessly, creating a substantial risk of physical injury.

## **Discrimination**

Discrimination means discrimination against any student by a student or students and/or employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. It can include, for example, denial of equal treatment, admission or access to programs, facilities and services based on one of these characteristics.

### **Prevention**

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

Components of this effort include:

- Learning about and identifying the early warning signs and precursor behaviors that can lead to discrimination, harassment, bullying, taunting or intimidation.
- Gathering information about discrimination, harassment, bullying, taunting or intimidation on school property or at school functions directly from students and using that information to assist in decision-making about programming and resource allocation.
- Establishing clear and school-wide code of conduct addressing harassment, bullying and/or discrimination and developed in accordance with the requirements contained in establishing such rules in its disciplinary rules and procedures, pursuant to Education Law §2851(2)(h) and 8 NYCRR §119.6.
- Emphasizing empathy, tolerance and respect for others in the curriculum.
- Training adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation.
- Raising awareness among school staff, through training, of the school experiences of student populations specified in the Dignity Act for All Students Act, including but not limited to; students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to discrimination, harassment, bullying, taunting or intimidation and/or other forms of anti-social and/or violent behavior.
- Providing adequate supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias and playgrounds.
- Raising parental awareness and involvement in discrimination, harassment, bullying, taunting, or intimidation prevention and intervention.

- Providing examples of positive behaviors that are age appropriate.
- Instituting policies and practices that create a positive school climate.
- Using Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

### **Intervention**

Intervention by adults and bystanders with proper training can be an important step in preventing escalation and resolving issues at the earliest stages.

Remedial responses to discrimination or harassment, including bullying, taunting, or intimidation, will likely require staff intervention. This includes measures designed to correct the problem behavior, prevent another occurrence of the problem behavior, and protect the targeted student. Remediation can be targeted to the individual(s) involved in the aforementioned behavioral approaches, or environmental approaches which are targeted to the charter school as a whole.

In addition, intervention will focus upon the safety of the targeted student. When aware of incidents of discrimination, harassment or bullying, as well as intimidation or taunting, staff members are expected either to refer the targeted student to designated resources for assistance, or to intervene in accordance with this policy and the relevant provisions of the code of conduct or the relevant provisions of the school's disciplinary rules and procedures.

### **Provisions for Students Who Do Not Feel Safe at School**

The Board acknowledges that, notwithstanding actions taken by the charter school staff, intervention might require a specific, coordinated approach, if a student does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of incidents of discrimination, harassment, bullying, taunting, or intimidation should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of administration or other appropriate or designated staff. Administration and other appropriate or designated staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

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

## **Training**

The Board recognizes that professional development is needed in order to implement an effective discrimination, harassment, and bullying prevention and intervention program. Training opportunities will be provided for all staff by the School Social Worker. The training will focus on the following, among other, areas:

- Raising awareness and sensitivity to potential acts of harassment, bullying and discrimination directed at students.
- Addressing the social patterns of harassment, bullying and discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
- Enabling employees to prevent and respond to incidents of harassment, bullying and/or discrimination.
- Making school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination.
- Ensuring effective implementation of school policy on school conduct and discipline.
- Including safe and supportive school climate concepts in curriculum and classroom management.

At least one licensed or certified staff member will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex. This staff member is referred to as the Dignity Act Coordinator (DAC). In the case of West Buffalo Charter School the DAC is the Student Support Coordinator, Rachel Banas (716) 923-1534 or at [rbanas@westbuffalocharter.org](mailto:rbanas@westbuffalocharter.org).

## **Reporting and Investigation**

Students who have been subjected to discrimination or harassment, parents (or persons in parent relationships) whose children have been subjected to such behavior, or other students or staff who observe such behavior, are encouraged and expected to make verbal and/or written complaints to the appropriate and/or designated school personnel in accordance with the training and guidelines provided and the relevant provisions of the disciplinary rules and procedures. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. If a staff person is unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with his or her supervisor.

All school personnel must report incidents of student-to-student and/or staff-to-student discrimination, harassment and bullying that they observe on school property or at school functions to the School Leader or other administrator who supervises their employment. In addition, all school personnel must report any incidents of student-to-student and/or staff-to student discrimination, harassment and bullying of which they are made aware by students, staff or persons in parental relation to the School Leader or other administrator who supervises their employment. School personnel are required to report these incident(s) even if the student does not want the

school to take further action. These reports must be made even within one school day. Supervisors may choose to refer the information to appropriate staff, which may include, among others, the Dignity Act Coordinator (DAC), for investigation as designated in disciplinary rules and procedures.

These reports will be investigated by the School Leader or his or her designee. The School will take appropriate remedial action where warranted, in accordance with its disciplinary rules and procedures.

The results of any such investigation shall be reported to both the targeted student and the alleged offender, as well as their respective parents or guardians, in accordance with the charter school's disciplinary rules and procedures.

If the results of the investigation reveal that a material incident of harassment, bullying and/or discrimination, as defined in Commissioner's Regulation 100.2(kk), has occurred, information shall be tracked, recorded, and reported as required by the Commissioner.

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

While the primary focus of this policy is on prevention, acts of discrimination, harassment and bullying may still occur. When such acts occur, student offenders will be given the clear message that their actions are inappropriate and will not be tolerated because they are inconsistent with the concepts of tolerance and respect for others and the fostering of civility in public schools in order to provide a safe and supportive school environment for all students. Student offenders must further be advised that their behavior must improve. Student offenders will receive in-school guidance on making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by administration in accordance with the disciplinary rules and procedures. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

This policy is meant to promote progressive discipline and intervention, as opposed to a "zero tolerance" approach. Responses to students' violations of the policy shall be age-appropriate and include both consequences and appropriate remedial responses to a student who commits one or more acts of discrimination, harassment and/or bullying. Consequences for a student who commits an act or acts of discrimination, harassment and/or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's history of problem behaviors, and will be consistent with the charter school's disciplinary rules and procedures.

### **Investigating and Responding to Allegations of Staff-to Student Harassment, Bullying and/or Discrimination**

In the case of a report of alleged staff-to student harassment, bullying and/or discrimination, reporting, investigation, and response must follow all applicable school policies and procedures, including contractual provisions and due process obligations, if any, related to staff-to-student misconduct.

## **Non-Retaliation**

Any person having reasonable cause to suspect that a student has been subjected to discrimination, harassment or bullying by a student and/or an employee, on school grounds or at school functions, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. The School and its employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

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

This policy will be posted on the WBCS's website, if available, and will provide copies of a summary of the policy written in plain language in an age-appropriate version to all students at an assembly at the beginning of each school year. Schools must also provide a plain language summary to all parents or guardians of students at the beginning of each school year. All teachers must also receive a complete copy of the discipline policy. Copies of the discipline policy must also be made available for review by other school staff and community members.

Each year, as part of the required annual review of the code of conduct, Education Law §2801(5) and 8 NYCRR § 100.2(I)(2)(iii)(a), this policy may be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, the proposed policy revisions could be recommended to the Board for its consideration.