



West Buffalo Charter School

Dignity for All Students Act

Student Discrimination, Harassment,
and
Bullying Prevention and Intervention

The board of trustees of the charter school (board or trustees) (hereinafter the term “board” will be used to refer to boards of education, the Chancellor, and boards of trustees) 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 interfere with the mission of the 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 are its targets, but also those individuals who participate in, and witness such acts.

To this end, 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, but not limited to, 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.

The Dignity Act (Education Law §11[7]) defines harassment as the creation of a hostile

environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, 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 has been described by the USDE as unwanted, aggressive behavior among school-aged children 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. Additionally, according to the USDE, 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.
- Repetition: Bullying behaviors generally happen more than once or have the potential

to happen more than once.

Hazing

The Penal Law defines hazing as a person intentionally or recklessly engaging 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 such other person or a third person and thereby causes such injury (Penal Law §120.16).

Under the Penal Law, it is considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person (Penal Law §120.17).

Discrimination

Discrimination is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3291-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, or gender.

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-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.

- 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.
- Establishing a clear and school-wide code of conduct 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.
- Training adults in the school community to respond to 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, could be associated with 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, 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 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, in the case of the charter school, the relevant provisions of its 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.

In compliance with Education Law §13(3), at least one staff member at every school must 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 should be referred to as the Dignity Act Coordinator (DAC). In the case of West Buffalo Charter School the DAC is the School Social Worker, Melissa Abrams (923-1534, Ext.2011).

Reporting and Investigation

Students who have been subjected to discrimination or harassment, parents 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.

There shall be a duty for all school personnel to 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, there shall be a further duty for all school personnel to 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. 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.

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.

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 of 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 must be consistent with the charter school’s disciplinary rules and procedures.

Investigating and Responding to Allegations of Staff-to Student Harassment and/or Discrimination

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

Non-Retaliation

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment 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. 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 (Education Law §16).

Dissemination, Monitoring, Review, and Reporting

Pursuant to Section 100.2(1)(b)(1) of Commissioner's Regulations, a charter school must post their complete disciplinary rules and procedures and any updates on their website, if available, and must 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 NYCRR § 100.2(l)(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.