

**The following is an OUTLINE SUMMARY of major sections within the
Beacon City School District Code of Conduct**

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5300.05 INTRODUCTION

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

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents, volunteers and other visitors when on school property or attending a school sponsored event or activity regardless of its location.

For a full copy of the code conduct please visit the district website or contact your student's school.

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

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

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

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

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School sponsored event or activity” or “school function” means any school-sponsored extra-curricular event or activity regardless of its location.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

“Harassment” and “bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse (verbal or non-verbal), including cyberbullying, that (a) 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

“Violent student” means a student under the age of 21 who:

1. Commits, threatens or attempts an act of violence upon a school employee.
2. Commits, threatens, or attempts while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses, displays, or threatens, while on school property or at a school function, a weapon or what appears to be a weapon.
4. Knowingly and intentionally damages or destroys school district property or the personal property of any school employee or any person lawfully on school property or at a school function.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any gun (including fake, paintball, or BB gun), knife or knife-like object, box cutter, explosive, instrument or substance that can cause physical injury or death.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

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

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons regardless of actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender identity or sexual orientation, sex or disability and to property.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
5. Work to develop mechanisms to manage their anger.
6. Ask questions when they do not understand.
7. Seek help in solving problems.
8. Dress appropriately for school and school sponsored events or activities.
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

5300.20 ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child’s educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children’s friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Follow the Code of Conduct at all school sponsored events or activities.

B. School Personnel

All school personnel are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
3. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the Dignity Act Coordinator in a timely manner.
4. Maintain confidentiality in conformity with federal and state law.

C. Teachers

All district teachers are expected to:

1. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.

D. Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Maintain confidentiality in accordance with federal and state law.
5. Make known to students and families the resources in the community that are available to meet their needs.

E. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender identity or sexual orientation, sex or disability.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.

5300.25 STUDENT DRESS CODE

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

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments including but not limited to: tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats, bandanas, or other headdresses in the school.
6. Not include items that are vulgar, obscene, sexual in nature or contain derogatory expressions or comments towards others based on actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender identity or sexual orientation, sex or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, weapons or illegal drugs and/or encourage other illegal or violent activities.
8. Short length should fall between the bottom of the student's finger tips and where the fingers meet the palm.
9. Dress and skirt length should fall below the bottom of the student's fingertips.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

5300.30 PROHIBITED STUDENT CONDUCT

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, sexual, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use or social use policy. This includes using any form of social media to bully or harass another individual.
 8. Unintentional damage to personal or school property as a result of disorderly conduct

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Arriving late or failing to report for detention.
 4. Violating the Code of Conduct.

- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel.
 2. Inappropriate public sexual contact.
 3. Unauthorized display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, electronic watches, or digital cameras. This would include video and/or audio recording without the individual(s) knowledge as well as photographing, electronically transmitting, and/or displaying, copying and/or sharing of any of the aforementioned.
 4. Off-campus misconduct constituting a crime.

- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
 1. Committing an act of violence (such as hitting, kicking, punching, pushing and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, pushing and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
 4. Displaying what appears to be a weapon.
 5. Verbally or non-verbally threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including but not limited to graffiti or arson.
 7. Intentionally damaging or destroying school district property.
 8. Off campus altercations with a connection to or effect on the school community that interferes with or substantially disrupts the educational process in the school or at a school function.

- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
 1. Dangerous or reckless behavior.
 2. Stealing or attempting to steal.
 3. Defamation, which includes making false statements about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, harassment, bullying, threats or intimidation, hazing,
 5. Using vulgar or abusive language, cursing or swearing.
 6. Selling, using, distributing or possessing inappropriate material or drug paraphernalia.
 7. Using vulgar or abusive language, cursing or swearing.
 8. Smoking or possessing a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 9. Possessing, consuming, selling, offering, or distributing alcoholic beverages or illegal substances, or being under the influence of either.
 10. Inappropriately using or sharing prescription and over-the-counter drugs.
 11. Gambling.
 12. Indecent exposure.
 13. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

- F. Engage in misconduct while on a school bus.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to plagiarism, cheating, copying, altering records, or assisting another student in any of these actions.
- H. Engage in off-campus misconduct that has the potential to disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyber bullying
 2. Threatening or harassing students or school personnel
 3. Off campus misconduct constituting a crime.

5300.35 REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, the principal's designee or the Superintendent of Schools.

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

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS¹

Disciplinary action, when necessary, will be firm, fair and consistent regardless of actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender identity or sexual orientation, sex or disability so as to be most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record. As a general rule, discipline will be progressive.
4. Information from parents, teachers and/or others, as appropriate.
5. The nature and scope of a student's known or suspected disability.
6. Other extenuating circumstances.

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral or written warning
2. Oral or written notification to parent
3. Detention
4. Suspension from transportation
5. Suspension from athletic participation
6. Suspension from social or extracurricular activities
7. Suspension of other privileges
8. Removal from classroom by teacher
9. In-school suspension
10. Short-term (five days or less) suspension from school
11. Long-term (more than five days) suspension from school
12. Permanent suspension from school

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention:

- Students may be assigned before/after school detention or lunch detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. Suspension from transportation:

- In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.
3. Suspension from athletic participation, extra-curricular activities and other privileges
 4. Teacher Disciplinary Removal of Disruptive Students
 - A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.
 5. In-school Suspension
 6. Suspension from School
 - Short term (five days or less) Suspension from School
 - Long term (more than five days) Suspension from School
 - When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.
 - Permanent suspension
 - Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of himself/herself or other students, school personnel or any other person lawfully on school property or attending a school function.

C. **Procedures**

1. **Counseling**

- The Guidance Office, School Psychologist, School Social Worker or Principal shall handle all referrals of students to counseling.

2. **PINS Petitions**

- The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
 - Being habitually truant and not attending school
 - Engaging in an ongoing or continual course of conduct which makes the student unmanageable, or habitually disobedient and beyond the lawful control of the school.
 - Knowingly and unlawfully possesses marijuana

D. **Disciplinary Suspension appeal process:**

You have the right to request an immediate informal conference with the building principal prior to a suspension being served, at which time you may present the student's version of the event and ask questions.

If you wish to appeal the suspension please contact the RMS Main Office at extension 4131 within 24 hours of suspension notification.

5300.45 ALTERNATIVE INSTRUCTION

Students will be offered the opportunity to attend alternative means of instruction during out of school suspension.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

Please refer to the Procedural Safeguards notice posted on the District website in the Pupil Personnel Page for complete details and timelines of the due process rights for students with known or suspected disabilities under the NYS 201 Regulations of the Commissioner of Education.

Students with a 504 accommodation plan have due process rights similar to students with disabilities. Additional information, details and timelines are available on the District website in the Pupil Personnel Page .

Students with disabilities and their families have protected educational and procedural rights regarding discipline issues. These same rights are entitled to students who may be suspected as having a disability or an impairment. The impact of the disability, impairment, or suspected disability must be considered before the discipline consequence is set. The Principal, Superintendent, or Board of Education may place a student with a known or suspected disability into another setting for up to 5 consecutive days. The superintendent has the authority to except a decision to suspend a student with a known or suspected disability for more than 5 days if the district has ensured that the IEP was reasonably developed and implemented to support the student's disability needs. The students IEP must be reviewed and revised as needed in order to put evaluations, supports, strategies or services in place to address the student's behavioral needs. This may include changing a student's placement if necessary. In cases of weapons, illegal drugs, and/or severe bodily injury, the superintendent or hearing officer can order a 45 day suspension; regardless of disability or IEP supports.

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the superintendent or a designated hearing officer shall be split into a guilt phase and a penalty phase. If the student is found guilty, a separate meeting will be conducted by the manifestation team prior to any penalty being issued to determine if the infraction was the result of the student's disability.

If the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an alternative educational setting.

5300.55 CORPORAL PUNISHMENT²

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions

5300.60 STUDENT SEARCHES AND INTERROGATIONS³

School officials are not required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant.

A. Student Lockers, Desks and other School Storage Places

Students have no reasonable expectation of privacy with respect to student lockers, desks and other school storage places. School officials retain complete control over these places. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

5300.65 VISITORS TO THE SCHOOLS⁴

1. All visitors to the school must enter through the designated single point of entry and report to the security desk/greeter upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office, security desk or greeter before leaving the building.
2. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school or district events or activities. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school or district sponsored event or activity including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

5300.80 DIGNITY FOR ALL STUDENTS ACT (DASA)

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying (including cyberbullying), taunting, hazing and intimidation. The district will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the district's educational mission.

The district condemns and prohibits all forms of discrimination and harassment of students regardless of actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender identity or sexual orientation, sex or disability by school employees or students on school property or at school-sponsored events and activities that take place on or off of school property. In addition,

any act of discrimination or harassment outside of school-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline.

To that end, the administrators, faculty, staff and students will participate in activities designed to support a school climate of caring and respect, and to proactively prevent discrimination, harassment, and bullying, including cyberbullying. These developmentally appropriate activities are designed to foster an acceptance and understanding of differences, provide alternative behaviors and responses, and build the capacity to prevent and reduce bullying.

All students have the responsibility to treat each other with caring and respect. No student shall be treated differently or unfairly because of actual and/or perceived differences. This includes saying hurtful words and/or doing hurtful things either in person, on a computer or other electronic device, or in any other way. Students who feel uncomfortable and/or unsafe because of the words or actions of others should immediately speak with a teacher, administrator, coach, or other adult.

Dignity for All Students – Definitions	
Race	White, Black or African American, Hispanic/ Latino /Latina, American Indian or Alaskan Native, Asian, Native Hawaiian or Other Pacific Islander; Two or more races.
Color	Color of a person’s skin.
Weight	The size of a person.
National Origin	Where a person or his/her relatives were born.
Ethnic Group	Being a part of a group of people who are connected by a share language, culture, and/or common religion.
Religion	Religious or spiritual belief.
Religious Practice	The expression of a person’s religious belief, customs, traditions, etc.
Disability	A person’s body or mind that does not look or work the same as others.
Sex	Being a boy or girl.
Sexual Orientation	A person liking a boy or girl.
Gender: Gender Expression	Actual or perceived sex, including: How a person or expresses being a boy or girl to others, such as behavior, clothing, hairstyle, voice, mannerisms.
Gender Identity	How a person thinks of oneself as being a boy or girl.

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate in and/or witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events as described in this policy. The Board also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Definitions

Bullying

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

Cyberbullying

Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this policy, cyberbullying that occurs off campus must create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Harassment

The creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, that (a) 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

The discriminating behavior or harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation, or
- gender (including gender identity and expression).

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

Prevention

In order to implement this program the Board will designate at its annual organizational meeting a Dignity for All Students Act (DASA) Coordinator for each school in the district. In addition, the Board shall appoint a district-wide DASA coordinator. The role of each DASA coordinator is to oversee and enforce this policy.

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

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the target. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DASA Coordinator and the District Professional Development Committee will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and monitors and all staff who have contact with students. Vendor employees (e.g., cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA Coordinators will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex and gender (including gender identity and expression)

Incident Reporting and Investigation

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g., Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be a coordinated investigation. The building principal will prepare a quarterly report for the superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the Building DASA Coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Superintendent of Schools. In the event that the complaint involves the Superintendent of Schools, the appeal of the complaint shall be filed with the Board of Education for its review and decision. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency and immediately notify the Superintendent of Schools and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. The request may limit the district's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. The district will attempt to prevent any retaliation; and
4. The district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of 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, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct. The District shall ensure the safety of the student or students against whom such harassment, bullying (including cyberbullying) was directed and take reasonable measures to prevent recurrence of the offending behavior.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring and Review

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis. Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration. The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 3420, Non-Discrimination and Anti-Harassment in the School District
7551, Sexual Harassment of Students
7553 Hazing of Students
7310 School Conduct and Discipline

Ref: Dignity for All Students Act, Education Law, §10 — 18
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 et seq. Executive Law §290 et seq. (New York State Human Rights Law) Education Law §§313(3), 3201, 3201-a
8 NYCRR 100.2(c), (1), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
Pollnow v. Glennon, 594 F.Supp. 220, 224 affd 757 F.2d. 496
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998) Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Mentor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of KS. 43 Ed. Dept. Rep. 492
Appeal of Ravick 40 Ed. Dept. Rep. 262
Appeal of Orman 39 Ed. Dept. Rep. 811

Adoption date: August 26, 2013

Provided on the next page is an example of the 2017-18 Beacon City School District Dignity for All Students (DASA) incident reporting from which can be found in the Rombout Middle School Main Office or on the district website.

****Note: This is an example of the form that can be found in the Rombout Middle School Main Office or on the district website****



Beacon City School District

Dignity for All Students (DASA)

The BCSD is committed to providing a safe, supportive environment free from harassment, bullying and discrimination for all students. The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of the Dignity for All Students Act.

DIRECTIONS: Harassment, discrimination, intimidation, bullying and/or cyber-bullying are serious offenses. If you are a student, the parent/guardian of a student, a volunteer or visitor, and believe you or someone else has been the target of alleged bullying or harassment, please use this form to report all allegations. **ALL SCHOOL EMPLOYEES ARE REQUIRED TO REPORT ALLEGED VIOLATIONS.**

School/district personnel witnessing an incident or receiving a report of an incident must complete and submit this written report within two (2) school days. *Note: School/district personnel must also orally notify the principal, superintendent or their designee no later than one school day after witnessing or receiving a report of an incident.*

All complaints will be treated in a confidential manner. Anonymous reports may limit the district's ability to respond to the complaint. A prompt and thorough investigation will be conducted for all incident reports. Please complete this form and return it to a school administrator or Dignity Act Coordinator.

Name of Affected Student: _____ Grade _____

Name of Alleged Offender(s) (if known)

_____ Grade _____

Name of school adult you've already contacted (if any) _____

Incident date and time (if known) _____ / _____ School: _____

Where did incident happen? (Circle all that apply)

- | | | | |
|-----------------|-----------------|------------------|----------------|
| Classroom | Hallway | Restroom | Cafeteria |
| Locker Room | School bus | Bus Stop | To/From school |
| Social media | Internet | Sports Field/gym | School grounds |
| Text/Cell phone | School activity | Off campus | |
- Other (please describe) _____

What happened during this incident? (Check all that apply)

- Hitting, kicking, shoving, spitting, hair pulling, throwing something at student, punching, pushing
- Getting another person to hit or harm the student
- Teasing, taunting, name calling, making critical remarks in person, by phone, by email, etc.
- Making the student a target of jokes or put downs, humiliating, rejecting, or excluding the student
- Making rude and/or threatening statements or gestures
- Making the student fearful, demanding money or possessions, intimidating or exploiting the student
- Spreading harmful rumors or gossip
- Cyberbullying – Bullying by calling, texting, emailing, web posting, digital, electronic media
- Other (please describe) _____

Who was involved in the incident?

- Student Employee Both student and employee

Did a physical injury result from this incident? (Please check one)

No Yes, medical attention required Yes, medical attention NOT required

Student absent from school as a result of this incident? No Yes # of days absent:

Briefly describe the incident. (Be as specific as possible. What did alleged offender say or do? Include any copies of text messages, emails, etc. if possible. Add extra pages if needed.)

Did you witness the incident? Yes No

Were there any witnesses? Yes (Provide names, if known) No

Does the situation continue to occur? Yes No

The behaviors(s) are suspected of being based upon the following characteristics of the target (check all that apply):

Gender Sexual Orientation Sex Race Color Ethnic Group
 National Origin Religious Practice Weight Disability Religion
Other

Report being made by: Student Faculty/Staff Parent/Guardian Other

Leave the following areas blank if reporting anonymously:

Name of person reporting incident (please print)

Phone/Cell

Signature: Date:

What was your involvement in the incident?

I was directly involved I observed the incident I heard about the incident

Retaliation or threats of retaliation against any person involved in an investigation or harassment, bullying or discrimination will not be tolerated. If you believe that you have been subjected to such action as a result of your cooperation, please contact the building Dignity Act Coordinator or the building principal. You can contact the school administrator, Dignity Act Coordinator, counselor, or other staff member (whoever you are most comfortable with) for information or assistance at any time.

If there were any adults in the area when this happened, what did they do?

****Note: This is an example of the form that can be found in the Rombout Middle School Main Office or on the district website****