

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are 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, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will 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 based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off 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 education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Training

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

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Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

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The board of education of the Franklin Central School District (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 interfere with the mission of the district 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.

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.

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 it will develop 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

- “*Harassment/bullying*” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), 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; or
 - (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
 - (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.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

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.

Examples of bullying include, but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone’s things, and making mean or rude hand gestures.

Cyberbullying

The amended Dignity Act prohibits discrimination including harassment/bullying/cyberbullying, of students on school property, including at school functions, by any student and/or employee. *Cyberbullying* means harassment/bullying, as defined above, through any form of electronic communication. Cyberbullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others.

School Property

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 (Education Law §11[1]).

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 (Education Law §11[1] and Vehicle and Traffic Law §142).

School Function

School function means a school-sponsored extra-curricular event or activity (Education §11[2]).

Disability

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 or (c) a condition regarded by others as 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]).

Emotional harm

Emotional harm that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Employee

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of

services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

Gender

Gender means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

Sexual Orientation

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

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 also 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 3201-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 and 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 Franklin Central 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 district-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. The components of such an effort involve the following:

- 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 (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.

- Establishing clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation through a district code of conduct developed in accordance with the requirements contained in Education Law §§12(2) and 2801 and 8 NYCRR §100.2(l), that comply with the Dignity Act requirements.
- 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 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, school buses 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 opportunities or curricula, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

In order to implement this program, the Superintendent may opt to voluntarily create a district-wide Committee or Task Force on Discrimination, Harassment and Bullying Prevention and Intervention. Committees may choose to include representatives from staff, administration, students, and/or parents. The district-wide task force may voluntarily assist the administration in developing and implementing specific procedures on early identification of discrimination, harassment and bullying, as well as taunting or intimidation, and other preventative strategies. In addition, the program can opt to include reporting, investigating, remedying and tracking allegations of discrimination, harassment and bullying, as well as 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 might include 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 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.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by the district, 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 the building principal or other appropriate or designated staff. The building principal, other appropriate or designated staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

The district 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. The Superintendent and the District Professional Development Team 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 staff and hall monitors, and all staff who have contact with students.

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).

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 district's code of conduct. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy and in the code of conduct. 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 their building principal 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 their building principals or other administrator who supervises their employment. Supervisors may chose to refer the information to appropriate staff, which may include, among others, the DAC, for investigation as designated in the policy and/or code of conduct.

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 policy and/or the district's code of conduct. Local policies should be followed regarding communicating the results of the investigation. If either party and/or their respective parents or guardians disagrees with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

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 the administration in accordance with the district's code of conduct. 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 must be consistent with the district's code of conduct.

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 and/or district 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. Districts and their respective 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(l)(b)(1) of Commissioner's Regulations, each school district, must post their complete code of conduct and any updates on their website, if available, and must provide copies of a summary of the code 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 and guardians of students at the beginning of each school year. All teachers must also receive a complete copy of the Code of Conduct. Copies of the Code of Conduct must also be made available for review by other school staff and community members.

Each year, as a part of the required annual review of the code of conduct, 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.

In addition, the Board will receive the annual VADIR report, as well as other relevant data, for each school and for the district as whole, with particular attention to the trends in incidents of discrimination, harassment and bullying. 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. Districts should ensure that they report such information to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

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NOTE: Refer also to Policies

- #1330 -- Appointments and Designations by the Board of Education
- #3410 -- Code of Conduct on School Property
- #3420 -- Non-Discrimination and Anti-Harassment in the School District
- #3430 -- Uniform Violent and Disruptive Incident Reporting System (VADIR)
- #7551 -- Sexual Harassment of Students
- #7552 -- Bullying in the Schools
- #7553 -- Hazing of Students
- #8130 -- Equal Educational Opportunities
- #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

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