

# Educational Learning Experience



*Establishing a strong foundation that promotes learning through effective teaching methods, while providing a positive support system for students, staff and families.*

## **Code of Conduct**

**2022-2023**

**ACKNOWLEDGMENT**

Student Code of Conduct  
Distribution

Dear Student and Parent/Guardian:

As required by state law, Educational Learning Experience has adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct, we encourage you to ask for an explanation from the student’s teacher or appropriate school administrator.

The parent/guardian and student should each sign this page in the space provided below, and then return the page to the student’s school by September 9, 2022.

Thank you.  
Beth Laub MS.Ed SBL  
Assistant Executive Director of Education

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We acknowledge that we have received a copy of the Educational Learning Experience Code of Conduct for the 2022–23 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

Please sign this page, remove it, and return it to the student’s school by September 9, 2022.  
Thank you.

## STUDENT CODE OF CONDUCT

The Educational Learning Experience (ELE) programs have a set of expectations for the conduct on school property, at school functions, and at school supervised events. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity, which are reflective of community and workplace standards and essential to develop strong character.

The expectations for our students are found in the Code of Conduct. This Code of Conduct is reviewed, revised, and approved annually by the education administration.

NOTE: It is beyond the scope of this document to identify all potentially relevant state laws, rules, or regulations and education department policies that may apply to a specific disciplinary case. Therefore, this publication of the Code of Conduct is not an exhaustive representation of every possible example of inappropriate behavior for which a student may receive a disciplinary consequence. However, it does represent a good faith effort to address the more frequently observed behaviors of students generally.

### DEFINITIONS

For the purpose of this Code, the following definitions apply and Appendices A & B should be referenced for compliance with the Dignity for All Act:

**“Parent”** means the biological, adoptive, or foster parent, guardian or person of record in parental relation to the student.

**“School Property”** means in or within any building, structure, school vehicle, athletic playing field, playground, parking lot or land contained within the real property boundary line of the ELE and its satellites; or in or on a school bus (Education Law §11[1]) and Vehicle and Traffic Law §142).

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

**“School Function”** means any school-sponsored curricular-related event or activity.

**“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[3] and Executive Law §292[21]). (See also Appendix A & B).

**“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 nine-B of article five 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]).

**“Sexual Orientation”** means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).<sup>3</sup> (See also Appendix A & B).

**“Gender”** means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).<sup>4</sup> (See also Appendix A & B).

**“Harassment”** means 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, verbal threats, intimidation, or abuse 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]). (See also Appendix A & B).

**“Weapon”** means any item, material, instrument or substance capable of causing physical injury or death.

**“Disruptive Student”** means a student who substantially interferes with the educational process and/or interferes with the teacher’s authority over the classroom.

**“Violent Student”** means a student who:

- when on school property, commits or attempts to do so, an act of violence on school personnel, student or visitor;
- possesses, displays or threatens the use of a weapon, bomb or dangerous instrument capable of inflicting physical injury or death;
- damages or destroys property of staff, student or district

## **STUDENT RIGHTS AND RESPONSIBILITIES**

**Bill of Rights of Students 100.2 (l)(1)(a):** The Educational Learning Experience fosters a sense of mutual respect among students, parents and staff. Our goal is to involve our students in activities that promote involvement inside and outside of the school community. Education demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- to a free, public school education is a basic “student right” guaranteed to all children.
- to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- to learn in an environment free from interruption, harassment, bullying, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, gender or sex, sexual orientation or disability;
- to be informed of all school rules;
- to be guided by a discipline policy which is fairly and consistently implemented, and learn appropriate behaviors for the school/work environment.
- to attend school and receive a free, public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be Multiple Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free, appropriate, public education from age 3 until age 21, as provided by law;
- Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over 18 years of age have the right to inspect and review the student’s educational records and have the right to request the amendment of the student’s education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student’s education record, except to the extent that FERPA authorizes disclosure without consent.

**Early Identification and resolution for disciplinary problems 100.2(l)(i)(d):**

ELE takes a whole school approach to promoting positive student behavior to assist in the early identification and resolution for disciplinary problems. Additionally, ELE takes a proactive approach in supporting each students' behavior. Social emotional learning is a critical part of the curriculum. School staff meet regularly to ensure that there is a comprehensive student support program in place. That may include counseling services, additional opportunities for social emotional learning, peer engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, resiliency, and build students' positive connection to the school community.

ELE has a system in place for early identification of students in need of prevention, intervention, and/or supports. This process begins with our Occurrence reports which are analyzed based on how many are submitted. Team meetings are held to discuss concerns in order to identify students in need of potential interventions.

School culture has a profound impact on students' progress. ELE promotes a positive school culture that provides students with a supportive environment in order to allow the student to grow both socially and academically. Social emotional learning is a basic component of ELE's program of prevention for all students. Effective social emotional learning helps students develop fundamental life skills, including:

- Recognizing and managing emotions
- Developing caring and concern for others
- Establishing positive relationships
- Making responsible decisions
- Handling challenging situations constructively and ethically

**Maintenance and Enforcement procedures 100.2 (l)(1)(i)(c):**

Procedures for addressing student misconduct & violations of the Code of Conduct that are not a manifestation of the child's disability will consider the following:

- Discipline is most effective when it addresses the problem directly and at the time and place it occurs and in a way that students view as fair and impartial.
- In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:
  - The student's age.
  - The nature of the offense and the circumstances that led to the offense.
  - The student's prior disciplinary record.
  - The appropriateness of other forms of discipline.
  - Information from parents, teachers, staff and/or others, as appropriate.
  - Other extenuating circumstances

As a general rule, discipline will be progressive. The site supervisor or designee will consult with the team. If the conduct of a student is related to a disability or suspected disability, the students shall be referred to the Committee on Special Education, when required by law. Discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, except to the extent permitted by law and will be determined by a manifestation hearing through the student's home district.

**Reporting Violations**

- All students are expected to promptly report violations of the Code of Conduct to any staff member or administrator.

- Any student observing another student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any staff member or administrator.
- All school District personnel who are authorized to impose disciplinary action are expected to do so in a prompt, fair and lawful manner. School personnel who are not authorized to impose disciplinary action are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary action, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

#### Removal of a Disruptive Student from the Classroom

- A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions
- In most instances, the classroom teacher can regulate a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom with supervision, to give the student an opportunity to regain his/her composure and self-control in an alternative setting.

Classroom management practices may include, but are not limited to:

- Allowing student to take a break by separating them from the group in a quiet safe designated space in the classroom
- Sending a student to a school counselor or other staff member for counseling.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

(If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log for all cases of removal of students from his or her class. The building site supervisor must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the site supervisor that the removal will not violate the student’s rights under state or federal law or regulation.

**Student Responsibilities:** The leadership team recognizes the need to specify and clearly state expectations for student conduct while on school property or while engaged in school functions, specific and clear. The rules of conduct listed below 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 school rules

and/or the Code of Conduct will be required to accept the penalties for their conduct. All students have the responsibility to:

- show respect to other persons and property;
- respect the rights and beliefs of others and not discriminate or harass based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- contribute to the maintenance of a safe and orderly school environment that is conducive to learning;
- be familiar with and abide by all Educational Learning Experience student conduct expectations;
- attend school every day, unless they are excused, and be prepared to learn;
- work to the best of their ability in all educational pursuits and to strive toward their highest level of achievement;
- respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner;
- develop skills to control any inappropriate behavior;
- ask questions when they do not understand;
- seek help in resolving problems that will avoid disciplinary interventions;
- accept responsibility for their actions;
- actively discourage inappropriate behavior of other students
- report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others or make them feel unsafe;
- conduct themselves as representatives of ELE programs when participation in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **SCHOOL AND CLASSROOM CONDUCT RULES**

### **ALL STAFF**

Expectations for appropriate student behavior should be maintained and upheld by all staff in all locations. All staff shall be responsible for the early identification of student behavioral problems, alerting appropriate administration officials in a timely fashion, and for the referral of the student to his, social worker, school psychologist and/or the building administrative team when ordinary discipline measures do not seem to be effective.

Maintaining acceptable student behavior is the business of every school employee – administration, teachers, aides, custodians, secretaries and all other staff members; it is not just the business of the classroom teacher or the Supervisor to discipline students. All staff are responsible to help students' select appropriate behavior patterns. ELE staff members are committed to an educational environment that provides a culture of prevention and intervention. Staff has the right to make a reasonable request(s) of a student and/or to question a student. Further, as they carry out their responsibilities to insure the safety and well-being of everyone, they may request that a student do something contrary to the student's wishes. It is the student's obligation to comply with a request. Failure to follow such directions may be considered insubordination and subject to a range of penalties, including the possibility of suspension.

Preventive interventions used by the faculty and staff may include, but are not limited to;

- classroom meetings;
- restitution or restoration;



- verbal warnings;
- written warnings;
- requests for parent conferences;
- requests for conferences with teachers, counseling staff, and/or administration;
- positive reinforcement plans
- teaching & setting clear expectations;
- Positive Behavioral Intervention Strategies/Supports (Response to Intervention), using proactive classroom and behavior management techniques.

Infractions, which require more serious consequences, are used only by the administration, e.g.;

- permanent removal (expulsion) from class;
- in-school suspension;
- suspension from school;
- petition to Family Court (PINS);
- expulsion from school; and
- other options created to elicit positive behavioral outcomes.

### **TEACHERS**

All teachers have devised a clear set of classroom management and behavior guidelines and expectations. These rules have the full support of the administration and are compatible with ELE policy. During the first few days of each year, and as needed throughout the school year, these expectations will be reviewed with all students and, when appropriate, given to the class in written form.

Such guidelines will include (but will not be limited to) classroom behavioral expectations, participation in class, rules of common courtesy, assignment of seats and a range of consequences for violations of classroom policies and expectations.

- Teachers shall work closely with parents to establish a wholesome relationship between home and school by sending communications home regularly and promptly.

### **COUNSELORS, SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS**

School Social Workers and School Psychologists play an important role in the education of students. In view of this responsibility, Social Workers and School Psychologists

- assist students in coping with negative emotions and emerging personal, social and emotional problems;
- develop and update FBAs and BIPs, as necessary or required.
- initiate and participate in parent/teacher/student conferences, as necessary, as a way to resolve problems;
- work closely with parents to establish a collaborative relationship between home and school by sending communications home regularly and promptly;
- regularly review with students their educational progress;
- provide information to assist students with coping skills; and
- advise students, provide strategies so that students may fully participate and benefit from the curriculum programs.

## **BUILDING ADMINISTRATORS**

As the educational leaders of the school, the administrators set the disciplinary climate for the school. Therefore, they:

- seek to develop a sound and healthful atmosphere of mutual respect within the school;
- evaluate the program of instruction in the school to achieve a meaningful educational program;
- help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms;
- provide teachers with strategies to relieve serious problems as soon as possible and support all building personnel in maintaining appropriate and effective discipline;
- communicate discipline issues with staff as appropriate;
- work closely with parents to establish a wholesome relationship between home and school by sending communications home regularly and promptly;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the schools discipline policy and insure that all cases are resolved promptly; and
- enforce this code in a consistent manner and in coordination with teacher and counselors.
- provide an age-appropriate summary of the COC in plain language to all students and continually reinforce it throughout the year;
- train staff on how to respond to issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student regardless of actual or perceived categories in the eleven named classes in the Dignity Act;
- follow up and investigate incidents promptly;
- incorporate curricula on diversity and sensitivity into lessons on civility/citizenship.

## **Assistant Executive Director of Education**

As the Executive Officer or designee of the school and the education program, it shall be the responsibility of the Assistant Executive Director to:

- take such steps as are necessary to develop, publicize and carry out the rules and regulations for students;
- work with the administrators, law enforcement officials and other agencies to make certain that the rules and responsibilities of each are understood and to make plans for cooperative working arrangements;
- consider and act upon recommendations for suspensions in keeping with the policy of the this Code;
- review with each building administrator the policies of the department and state laws relating to discipline;
- listen and react to the view of the total community;
- inform the The Arc Sullivan Orange Counties Board of educational trends relating to discipline;
- provide for the development of innovative educational programs which may help to minimize problems of misconduct and which may be sensitive to the needs of the faculty; and
- advise on serious discipline matters and support the building administration so long as the latter has acted in accordance with this Code, the disciplinary policies of the school and the laws of the State of New York.

## **ESSENTIAL PARTNERS**

### **PARENTS**

All parents are expected to:

- recognize that the education of their children is a joint responsibility of the parent, school, and community;
- send their children to school ready to participate and learn;
- ensure that their children attend school regularly and on time;
- ensure absences are legitimate and necessary;
- insist their children be dressed and groomed in a manner consistent with the student dress code;
- help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- know school rules, their children's rights and responsibilities as expressed in this code and help them to understand those responsibilities;
- convey to their children a supportive attitude toward education and the ELE programs;
- foster good relationships through communication with teachers, other parents, and their children's peers;
- help their children deal effectively with their emotions;
- inform school officials of changes in the home situation that may affect student conduct of performance including changes in phone number, address, or emergency contacts; and
- provide a place for learning and ensure homework assignments are completed.
- teach respect for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- learn about discriminatory, harassing and bullying behavior and how to encourage your children to act appropriately and follow the Code of Conduct.

### **ALL INSTRUCTIONAL AND SUPPORT STAFF**

All staff members play an important role in the education of our students. In view of this responsibility they must:

- model appropriate behavior that shows respect for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- not discriminate or harass any student;
- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- guide students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct at the appropriate level; and
- comply with policy and procedures regarding confidential information.

## **TEACHERS**

In addition to the responsibilities of all ELE staff members, teachers must:

- plan instruction that is appropriate, stimulating and consistent;
- utilize classroom routines which contribute to the total instructional program and to the students' development of civic responsibility;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- explain and interpret the discipline code to students;
- communicate regularly with students, parent and other teachers concerning growth and achievement; and
- communicate to students and parents the following:
  - classroom objectives and requirements
  - progress reporting procedures
  - expectations for students
  - classroom discipline plan
  - students' rights and responsibilities
- always conduct oneself in a professional manner consistent with New York Teaching Standards;
- teach students to be culturally sensitive and to support, appreciate and respect differences of all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- respond to issues of discrimination and harassment and incidents that threatens the emotional or physical health or safety of any student regardless of actual or perceived categories in the eleven named classes in the Dignity Act;
- be aware of and support the instruction for students that raises awareness and sensitivity to discrimination or harassment based on a person's actual or perceived eleven named classes in the Dignity Act;
- listen to students about incidents of discrimination and harassment and follow reporting procedures.

## **PROHIBITED STUDENT CONDUCT**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for themselves, the rights and welfare of other students, department personnel and other members of the school community. Respect for one's self, and all individuals in the ELE environment are required. Students are also expected to conduct themselves appropriately with regard to the care of school facilities and equipment.

The best discipline is self-imposed and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Personnel who interact with students are expected to use consequences only when necessary and to place emphasis on the student's ability to grow in self-discipline and to learn socially acceptable behavior. This approach creates a culture where positive intervention and prevention maintain a culture of respect and honor.

The school endorses, and students will be subject to progressive disciplinary action, depending upon the severity of the incident. These actions may range from reminders and instruction up to suspension from school, when they:

***Engage in conduct that is disruptive, disorderly, destructive and/or insubordinate. All students have IEP's in place. If the behavior is a result of their disability, levels of discipline will be determined as per department protocol. Examples of such conduct include, but are not limited to:***

- failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students;
- throwing objects in class or hallways or on school grounds;
- leaving school or class without permission; and
- making unreasonable noise;
- using language or gestures that are profane, lewd, vulgar, abusive, or bullying;
- engaging in any willful act which disrupts the normal operation of the school community;
- NOT following classroom safety rules

***Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:***

- verbal or physical taunting or bullying;
- initiating false alarms, bomb threats, pulling fire alarms, misusing 911 or inappropriately discharging a fire extinguisher;
- displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior;
- discrimination, which includes the use of race, age, sexual orientation, use of recognized guide dog, hearing dog or service dog, color, creed, national origin, religion, gender or disability as a basis for treating another in a negative manner.

***Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:***

- committing or threatening an act of violence (such as hitting, kicking, biting, spitting, punching, hair pulling and scratching) upon another student, a teacher, an administrator, and/or other school employee, and/or any other person on school property if it is not a manifestation of the student's disability and shows intent to cause harm;
- possessing a weapon;
- displaying what appears to be a weapon;
- threatening to use any weapon;
- intentionally damaging or destroying the personal property of a teacher, administrator, student, other employee or any person on school property and

***Engage in any form of conduct that is deemed Harassment, Bullying, Cyber Bullying, Hazing, and/or Sexual Harassment which are defined as, but not limited to:***

- **Harassment**: 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. The harassing behavior may be based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability including use of recognized guide, hearing, or service dog, political affiliation, age, marital or veteran status, sex, sexual orientation, or gender (identity or expression).
- **Bullying/Cyber Bullying**: A hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. Internet bullying, also referred to as cyber bullying, can include the use of instant messaging, e-mail, Web sites, chat rooms, and text messaging, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.

The bullying can be verbal, physical, emotional and/or social/relational.

- **Verbal Bullying** includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (i.e.: social networking websites, texting) anonymous notes, etc.
- **Physical Bullying** includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- **Social/Relational Bullying** includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.
- **Sexual Harassment:** Conduct is deemed to be sexual harassment when the individual perceives such behavior as unwelcome. Unwelcome behavior includes but is not limited to: inappropriate touching, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, or blocking a student's movement;
- Engaging in discriminating or harassing behavior that hurts another student or makes them afraid by using language, gestures, verbal threats or physical contact – hitting, pushing, fighting, etc. – because of what is or appears to be their race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- Engaging in aggressive behavior that results in serious physical injuries;
- Purposely using words or gestures that hurt, harm or embarrass others-name calling, teasing, etc. because of what is or appears to be someone's race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

***\* In the remainder of this document the term "bullying" will be used to refer to harassing behaviors because that is the term most commonly used by students and parents.***

## **STUDENT DRESS CODE**

Our community takes pride in the appearance of our students. Clothes can reflect the quality of the school, conduct, and schoolwork. Students are expected to dress in a manner that is appropriate for the educational setting. 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:***

- be safe, appropriate and not disrupt or interfere with the educational process; (e.g. the wearing of pajamas or gang affiliated clothing is not allowed. The wearing of outerwear, book bags, heavy vests, layered garments and/or headgear is not allowed. Heavy jewelry, hanging pocket chains and jewelry with spikes that can injure others is not allowed.)
- hats or head coverings worn inside the school except for medical or religious purposes or for a specific purpose or trade setting;
- shorts, skirts and dresses must be even with or longer than a student's finger tips when their arms are hanging freely at their sides;
- be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, footwear is to be included at all times; footwear that is a safety hazard will not be allowed.

### ***The following items will be considered a violation of the ELE dress code:***

- see through and/or plunging necklines, tube tops, spaghetti straps;

- visible undergarments (must be covered with outer clothing);
- clothing that promotes alcohol, tobacco, illegal drugs, encourage other illegal/violent activities;
- clothing that displays vulgar, obscene, or libelous subject matter or images that are denigrating to others.

Each program administrator or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year, later in the year when a student is admitted to a program and of any revisions to the dress code made during the school year. Students who violate the 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 is deemed insubordinate and shall meet with the program administrator or his/her designee for additional disciplinary action as appropriate.

### **REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Any violation of the Code of Conduct shall be reported immediately to the program administrator or any ELE administrator.

### **DISCIPLINARY MEASURES**

*Disciplinary measures authorized by the Student Code of Conduct may include, but are not limited to the following:*

- warnings (oral or written)
- in-school suspension (removal from classroom)
- suspension from school for up to five (5) school days
- suspension from school in excess of five (5) days
- suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days;
- placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function and at times when a student makes serious threats to loss of life, is determined to be related to his/her disability;
- permanent suspension (expulsion); and
- other based on administrative decision.

### **REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM BY A TEACHER**

A disruptive student is defined as a student who, despite previous intervention strategies, has failed to comply with classroom expectations and interferes with classroom instruction and/or learning. Grounds for removal include but are not limited to the following:

- excessive arguing with teacher;
- poses a danger e.g. physical and/or verbal behavior which in any ways threatens staff or students.

Students may be removed from from their class only. For the duration of the removal, the following conditions apply:

**If the student poses an immediate danger, the teacher will:**

- remove the student;
- supply class work for the student; and

- inform the building administrator or designee of reasons for removal and demonstrate previous intervention strategies applied.

**If the student does not pose an immediate danger, the teacher will:**

- before removing, explain the basis for removal and allow the student to informally present his/her version of relevant events; and
- provide the student with classwork so that the removal has minimal impact on the student's learning process;
- inform the building administrator or designee of reasons for removal.

**Building administrator or designee's responsibilities triggered by teacher removal are:**

- notification of the by end of the school day of the teacher's reasons for the removal;
- on request, student/parent must be given an opportunity to discuss reasons with building administrator or designee; teacher must attend to provide substantiation and clarification;
- if student denies the charges, student/parent must be given explanation of the basis for the removal and an opportunity to present his/her version; this should take place within 24 hours of removal; and
- building administrator or designee must decide, by the close of business on the day following the opportunity to be heard by the building administrator or designee, whether or not the discipline will be set aside; the building administrator or designee may only set aside discipline if:
  - The charges against the student are not supported by substantial evidence.
  - The student's removal is in violation of the law.
  - The conduct warrants suspension and the suspension will be imposed.

The Building administrator and the teacher must keep a log of all removals of students from class. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed in this Code of Conduct.

***All Suspensions must go through the student's home district for a Manifestation Hearing to determine the suspension.***

**DISCIPLINE OF STUDENTS WITH DISABILITIES**

- If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education in the home district. The Building Intervention Team or program administrator will be contacted to work with the teacher, and home school to design a functional behavior assessment and behavior intervention plan. Discipline, if warranted, shall be administered consistent with the separate requirements of the Code of Conduct for disciplining student with a disability.
- The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have certain protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.



This Code of Conduct affords student with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state laws and regulations.

***Authorized Suspension or Removals of Students with Disabilities*** (100.2(l)(1)(i)(e):

For purposes of this section of the Code of Conduct, the following definitions apply:

A “**suspension**” means a suspension pursuant to Educational Law 3214.

A “**removal**” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the learner poses a risk of harm to himself/herself or others.

The District Superintendent, program administrator, or his/her designee may suspend a student with a disability from his or her current educational placement.

- A suspension without a hearing may not exceed five consecutive school days for any one student and not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The District Superintendent may suspend up to five consecutive school days, inclusive of any period in which the learner has been suspended or removed, if the District Superintendent determines that the student engaged in behavior that warrants a suspension and the suspension does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

## **MANDATED REPORTERS**

### ***Child Protective Services Investigations***

Consistent with the ELE’S commitment to keep student safe from harm and the obligation of school officials, as mandated New York State reporters, must report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated. The Educational Learning Experience recognizes the obligation of school officials as mandated New York State reporters. The ELE will cooperate with the local Child Protective Services worker who wishes to conduct interviews of the student on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by the Child Protective Services (CPS) to interview a student on school property shall be made directly to the program administrator or his/her designee. The program administrator or his/her designee shall:

- arrange the interview as requested by the CPS worker;
- decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations;
- if the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing, the school nurse or other ELE medical personnel must be present during that portion of the interview; and
- no student may be required to remove his/her clothing in front of a Child Protective Services worker or district official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger or abuse if he/she were not removed from school before a court order can be reasonably obtained. If the worker

believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

### **CORPORAL PUNISHMENT**

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. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

### **EMERGENCY INTERVENTION**

In situations where behavioral intervention procedures and methods are not reasonably effective, then use of physical intervention techniques may be used to:

- protect oneself, another student, teacher or any person from physical injury;
- protect the property of the school or others; and/or
- restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

### **SCHOOL PROGRAMS TO SUPPORT POSITIVE BEHAVIOR**

ELE has policies in place which allow students the opportunity to be successful. The implementation of such policies and programs will result in fewer disciplinary problems and will help foster positive behaviors.

School Programs and/or policies that foster an expansive, progressive, and a positive approach to discipline may include, but are not limited to:

- Positive Behavior Intervention & Support (PBIS)
- Collaboration with community based programs
- Special counseling and psychological services

### **STAFF DEVELOPMENT 100.2(l)(1)(i)(g)**

ELE is committed philosophically to offer in-services as often as possible to ELE Employees.

The available supports offered to staff may include but are not limited to:

- Orientation
- Mentoring
- Observations
- Team Meetings
- Annual Programs on, Blood Borne Pathogens, CPR, and AED
- On- going professional development

### ***Prohibited Conduct***

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so;
- intentionally damage, remove or destroy ELE property or the personal property of a teacher, administrator, other employees or any person lawfully on ELE property. Such actions include graffiti or arson;
- distribute materials on ELE grounds or at ELE functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the ELE program;
- intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;

- enter any portion of the ELE premises without authorization or remain in any building or facility after it is normally closed;
- obstruct the free movement of any person in any place to which this code applies;
- possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on ELE property or at a ELE function;
- possess or use weapons in or on ELE property or at a ELE function, except in the case of law enforcement officers or except as specifically authorized by the ELE organization;
- loiter on or about ELE property;
- gamble on ELE property or at ELE functions;
- refuse to comply with any reasonable order of identifiable ELE officials performing their duties;
- willfully incite others to commit any of the acts prohibited by this code;
- violate any federal or state statute, local ordinance or board policy while on ELE property or while at an ELE function; and
- smoke on school property.

### **DISSEMINATION AND REVIEW**

#### Dissemination of Code of Conduct

The ELE Administration will work to ensure that the ELE learning community is aware of the Code of Conduct by:

- Providing copies of a summary of the code to all students and families/guardians at the beginning of each school year.
- Making copies of the code available to all parents at the beginning of the school year.
- Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the code available for review by students, parents and other community members.

There will be an in-service education program for all ELE staff members to ensure the effective implementation of the Code of Conduct. The Assistant Executive Director may solicit the recommendations of ELE staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The ELE leadership team will review this Code of Conduct every year and update it as necessary. In conducting the review, the team will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

## APPENDIX A

### Dignity For All Act

#### ARTICLE 2 DIGNITY FOR ALL STUDENTS

**Section 10. Legislative intent.**

**Section 11. Definitions.**

**Section 12. Discrimination and harassment prohibited.**

**Section 13. Policies and guidelines.**

**Section 14. Commissioner's responsibilities.**

**Section 15. Reporting by commissioner.**

**Section 16. Protection of people who report discrimination or harassment.**

**Section 17. Application.**

**Section 18. Severability and construction.**

**§ 10. Legislative intent.** The legislature finds that students' ability to learn and to meet high academic standards, and a school's ability to educate its students, are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation. It is hereby declared to be the policy of the state to afford all students in public schools an environment free of discrimination and harassment. The purpose of this article is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission.

**§ 11. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

1. "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.
2. "School function" shall mean a school-sponsored extra-curricular event or activity.
3. "Disability" shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law.
4. "Employee" shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.
5. "Sexual orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.
6. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.
- \*7. "Harassment" shall mean 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, sexual orientation, gender or sex. \* NB Effective until July 1, 2013

\*7. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that

(a) has or would have the effect of unreasonably and substantially interfering with a 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. 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. For the purposes of this definition the term, "threats, intimidation or abuse" shall include verbal and non-verbal actions. \*NB Effective July 1, 2013 \*8. "Cyberbullying" shall mean harassment or bullying as defined in subdivision seven of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication. \*NB Effective July 1, 2013

## **§ 12. Discrimination and harassment prohibited.**

\* 1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973. \* NB Effective until July 1, 2013 \*1. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision

shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973. \*NB Effective July 1, 2013 2. An age-appropriate version of the policy outlined in subdivision one of this section, written in plain-language, shall be included in the code of conduct adopted by boards of education and the trustees or sole trustee pursuant to section twenty-eight hundred one of this chapter and a summary of such policy shall be included in any summaries required by such section twenty-eight hundred one.

**\*§ 13. Policies and guidelines.** The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to:

1. Policies intended to create a school environment that is free from discrimination or harassment;
2. Guidelines to be used in school training programs to discourage the development of discrimination or harassment and that are designed: a. to raise the awareness and sensitivity of school employees to potential discrimination or harassment, and b. to enable employees to prevent and respond to discrimination or harassment; and
3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school 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, and sex. \*NB Effective until July 1, 2013 \*§ 13.

Policies and guidelines. The board of education and the trustees or sole trustee of every school district shall create policies, procedures and guidelines that shall include, but not be limited to:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:
  - a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying and discrimination;
  - b. enable students and parents to make an oral or written report of harassment, bullying or discrimination to teachers, administrators and other school personnel that the school district deems appropriate;
  - c. require school employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and to file a written report with the principal, superintendent or the principal or superintendent's designee not later than two school days after making such oral report;

d. require the principal, superintendent or the principal's or superintendent's designee to lead or supervise the thorough investigation of all reports of harassment, bullying and discrimination, and to ensure that such investigation is completed promptly after receipt of any written reports made under this section;

e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section;

f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination;

g. include a school strategy to prevent harassment, bullying and discrimination;

h. require the principal to make a regular report on data and trends related to harassment, bullying and discrimination to the superintendent;

i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying or discrimination constitutes criminal conduct;

j. include appropriate references to the provisions of the school district's code of conduct adopted pursuant to section twenty-eight hundred one of this chapter that are relevant to harassment, bullying and discrimination;

k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents;

l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists;

2. Guidelines to be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed:

a. to raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and

- b. to enable employees to prevent and respond to harassment, bullying and discrimination; and
- 3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school 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, and sex; and
- 4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct; and
- 5. Training required by this section shall address the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not 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, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. \*NB Effective July 1, 2013

**\*§ 14. Commissioner's responsibilities.** The commissioner shall:

- 1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing discrimination and harassment and to fostering an environment in every school where all children can learn free of manifestations of bias;
- 2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section; and
- 3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures focusing on intervention and education. \*NB Effective until July 1, 2013 \*§ 14.

Commissioner's responsibilities. The commissioner shall:

- 1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing harassment, bullying and discrimination and to fostering an environment in every school where all children can learn free of manifestations of bias;
- 2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section;
- 3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate



responses to violations of this policy, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education and provide guidance related to the application of regulations; and

4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function.

5. The commissioner shall prescribe regulations that school professionals applying on or after July first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not 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, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. \*NB Effective July 1, 2013

**\*§ 15. Reporting by Commissioner.** The commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of discrimination or harassment, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article. \*NB Effective until July 1, 2013 \*§ 15. Reporting by commissioner. The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article. \*NB Effective July 1, 2013

**\*§ 16. Protection of people who report discrimination or harassment.** Any person having 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, 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 under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause 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. \*NB Effective until July 1, 2013 \*§ 16. Protection of people who report harassment, bullying or discrimination. Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause 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. \*NB Effective July 1, 2013

**§ 17. Application.** Nothing in this article shall:

1. Apply to private, religious or denominational educational institutions; or
2. Preclude or limit any right or cause of action provided under any local, state or federal ordinance, law or regulation including but not limited to any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

**§ 18. Severability and construction.** The provisions of this article shall be severable, and if any court of competent jurisdiction declares any phrase, clause, sentence or provision of this article to be invalid, or its applicability to any government agency, person or circumstance is declared invalid, the remainder of this article and its relevant applicability shall not be affected. The provisions of this article shall be liberally construed to give effect to the purposes thereof.

## **APPENDIX B**

### **Eleven Named Classes in the Dignity Act & Plain Language Reference**

#### **ELEVEN NAMED CLASSES IN THE DIGNITY ACT**

1. **Race:** The groups to which individuals belong, identify with, or belong in the eyes of the community. **National Center for Education Statistics**

**Elementary Language:** Grouping people by how they look (this could be skin color, hair texture, face shape, etc.) or people choosing what group they think they belong. For example, when students go to a school for the first time, they are asked to choose from being an Hispanic/Latino; American Indian or Alaskan Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White; or two or more races.

2. **Color:** In this usage, the term refers to the apparent pigmentation (coloring) of the skin, especially as an indication or possible indication of their race. **Oxford Dictionary**

**Elementary Language:** The color of a person's skin.

3. **Weight:** A person's size or the amount someone weighs.

**Elementary Language:** A person who is heavy or light in weight.

4. **National Origin:** A person's country of birth or their ancestors' country of birth. **Wisconsin Civil Rights publication**

**Elementary Language:** Where you or your relatives were born.

5. **Ethnic Group:** Some of the criteria by which ethnic groups are identified are ethnic nationality (country or area of origin as distinct from citizenship or country of legal nationality) race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics. **United Nations**

**Elementary Language:** A way to connect to people because of your race, color, language, religion, way people dress or eat or where you or your relatives were born.

6. **Religion:** Either religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets. **United Nations**

**Elementary Language:** What people believe. Religion is different for different people and cultures and it can be a way of explaining the mysteries of life, how to live a good life or something that is beyond what we can see, hear or touch...what some people call God, Allah, Huwa, Waheguru, Yaweh/Adonai, etc.

7. **Religious Practice:** Religious observances or practices include attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression or refraining from certain activities. Determining whether a practice is religious turns not on the nature of the activity, but on the person's motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons. Whether or not the practice is "religious" is therefore a situational, case-by-case inquiry. One individual may eat a certain diet for religious reasons while another may eat the exact same identical diet for secular (health/environmental) reasons. **Equal Employment Opportunity Commission.**

**Elementary Language:** How you show what you believe in through dress, food, symbols and practices.

8. **Disability:** (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[3] and Executive Law §292[21]**

**Elementary Language:** A person that is not able to do things with their body or think with their mind as most other people can because of how they are born or had an illness or an injury

9. **Sexual Orientation:** A person's actual or perceived heterosexuality, homosexuality, or bisexuality. **Education Law §11[5]**

**Elementary Language:** A man who romantically likes a woman or a woman who romantically likes a man; a man who romantically likes another man or a woman who romantically likes another woman; or when a man romantically likes a woman or another man or when a woman romantically likes a man or another woman.

10. **Gender:** A person's actual or perceived sex and includes a person's gender identity or expression. **Education Law §11[6]**

**Elementary Language:** This can be the way a person is physically born, being a boy or a girl; or how a person feels about being a boy or a girl.

11. **Sex:** The biological and physiological characteristics that define men and women. **World Health Organization**

**Elementary Language:** A person being born either a boy or a girl.

#### **Other Definitions**

**Prejudice (includes elementary language):** Thinking unfairly about someone or a group of people or treating them badly often because they may look or act different. Thoughts and feelings may be inaccurate or wrong because there is not enough information or understanding about why they may look or act different.

**Discrimination (includes elementary language):** Treating a person or a group of people differently usually because of prejudice about race, ethnicity, age, religion, gender, sexual orientation or sex.

**Harass (includes elementary language):** Keep bothering or attacking somebody: to persistently annoy, attack, or bother somebody.

**Gender Identity:** An individual's internal, deeply felt sense of being either male, female or something other or in-between. **Gay, Lesbian, Straight Educational Network (GLSEN)**

**Elementary Language:** How a person feels inside about being either a male or female.

**Gender Expression:** An individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine. It may include the ways in which people regularly communicate their gender identity through behavior, clothing, hairstyle, voice and emphasizing, de-emphasizing or changing their body's characteristics.

**Elementary Language:** How a person shows others through how they look and act whether they are a male or female.

