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 bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or 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 bullying, discrimination and/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 a Dignity Act Coordinator(s) who is employed by such District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/ supervisor or Superintendent of Schools. Districts must share the name(s) and contact information of the Dignity Act Coordinator(s) with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

a) Listing such information in the *Code of Conduct* and updates posted on the Internet website, if available; and

b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and

c) Providing such information to parents and persons of parental relation in at least one (1) district or school mailing or other method of distribution including, but not limited to, through electronic communication and/or sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;

d) Posting such information in highly visible areas of school buildings;

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

e) Making such information available at the district and school-level administrative offices.

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. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

Training and Awareness

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. 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 bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

a) Raise awareness and sensitivity;

b) Address social patterns and the effects on students;

c) Inform employees on the identification and mitigation of such acts;

d) Provide strategies for effectively addressing problems of exclusion, bias and aggression;

e) Include safe and supportive school climate concepts in curriculum and classroom management; and

f) Ensure the effective implementation of school policy on conduct and discipline.

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 bullying, discrimination and/or harassment and civility in the

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. 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 Bullying, Discrimination and/or Harassment

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. 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 Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the district, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

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 bullying, discrimination and/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

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214
8 NYCRR Section 100.2

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
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date: 07/09/2012
Revised: 06/17/2013
Revised: 11/07/2013

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education is committed to creating a learning environment that is safe and supportive of every student. The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students on school property, at school-sponsored activities and events that take place at locations off school property, including any electronic format. In addition, any act of bullying, discrimination and/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. The prohibition of bullying, discrimination and/or harassment along with sanctions for such misconduct will be included in the *District Code of Conduct* for all grade levels. Any student who is in violation of District policy and/or regulation will be subject to disciplinary measures in accordance with applicable laws and/or regulations, District Policy and Administrative Regulations and the *District Code of Conduct.*

Definitions

For purposes of this regulation, the following definitions shall apply:

1) "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 as defined in Vehicle and Traffic Law Section 142 (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.);

2) "School function" means a school-sponsored extra-curricular event or activity;

3) "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 shall 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;

4) "Employee" shall mean any person receiving compensation from a school district or charter school 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

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact;

5) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality;

6) "Gender" means actual or perceived sex and shall include a person's gender identity or expression;

7) "Discrimination" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

8) "Harassment" and "bullying" mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, 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;

9) "Emotional Harm" means harm through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

109) "Material Incident of Discrimination and/or Harassment" means a single verified incident or a series of verified related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:

a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental or emotional and/or physical well-being; or

b. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Such conduct shall include but is not limited to, 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; provided that nothing in Education Law Section 100.2(kk) shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC 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.

School Employee Training

Commencing with the 2012-2013 school year and continuing each school year thereafter, school districts and charter schools shall establish guidelines to implement Dignity For All Students school employee training programs to promote a positive school environment that is free from discrimination and/or harassment; and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function. The guidelines shall be approved by the Board of Education or by the Board of Trustees of the charter school.

The guidelines shall include, but not be limited to, providing employees, including school district administrators and instructional and non-instructional staff with:

1) Training to:

   a. Raise awareness and sensitivity to potential acts of discrimination and/or harassment directed at students that are committed by students and/or school employees on school property or at a school function; including but not limited to, discrimination and/or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

   b. Address the social patterns of harassment, bullying and/or discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias and aggression in educational setting;

   c. Enable employees to prevent and respond to incidents of discrimination and/or harassment;

   d. Make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination;

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

e. Ensure the effective implementation of school policy on conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by student and/or school employees;

f. Include safe and supportive school climate concepts in curriculum and classroom management; and

g. Be implemented and conducted in conjunction with existing professional development training and/or with any other training for school employees.

2) Guidelines relating to the development of nondiscriminatory instructional and counseling methods.

Reporting of Incidents – District Level

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the District, BOCES or charter school. There is no need for schools or Districts to submit this report to the State Education Department.

Reporting of Incidents – State Level

For the 2012-2013 school year and for each succeeding school year thereafter, each school district, BOCES and charter school shall submit to the Commissioner an annual report of material incidents of discrimination and/or harassment that occurred in such school year, in accordance with Education Law Section 15. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

For purposes of reporting, a school district, BOCES or charter school shall include in its annual report all material incidents of discrimination and/or harassment that:

1) Are the result of the investigation of a written or oral complaint made to the School Principal or other school administrator responsible for school discipline, or to any other school employee; or

2) Are otherwise directly observed by such Principal or administrator, or by any other employee regardless of whether a complaint is made.

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Such report shall include information describing the specific nature of the incident, including, but not limited to:

1) The type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they shall all be reported;

2) Whether the incident resulted from student and/or employee conduct;

3) Whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and

4) The location where the incident occurred (on school property and/or at a school function).

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

Pursuant to Education Law Section 16, any person having reasonable cause to suspect that a student has been subjected to discrimination and/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 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.

No school district, BOCES or charter school, or an employee thereof, 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.

Adopted: 05/2012 (Replaced Racial Harrasmment-1997)
Revised: 09/25/2013

SUBJECT: RACIAL HARRASSMENT (STUDENTS)

The board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide for all District students an environment that is free of racial harassment and intimidation. Racial harassment is a violation of law and stands in direct opposition to District Policy. Therefore, the Board prohibits any type of racial harassment by employees, student, visitors, guests and others.

Racial Harassment occurs when:

a). an agent or employee of the District, acting within the scope of his or her official duties, has treated a student differently on the basis of race, color or national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the student to participate in or benefit from the services, activities or privileges provided by the School District. This is referred to as "different treatment" racial harassment.

b). The District creates or is responsible for a racially hostile environment—i.e., harassing conduct (e.g., physical, verbal, graphic or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from services, activities, or privileges provided by the District. The District has subjected an individual to different treatment on the basis of race if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice. This is referred to as "hostile environment" racial harassment.

The Board acknowledges that in determining whether racial harassment has occurred, the relevant particularized characteristics and circumstances of the victim—especially the victim's race and age—will be taken into account when evaluating the severity of racial incident's in the School District. If it is determined that the harassment was sufficiently sever, so that it has adversely affected enjoyment of some aspect of the District's educational program by reasonable person, of the same age and race as the victim, under similar circumstances, the existence of a hostile environment will be found.

Any student who believes that he/she has been subjected to racial harassment shall report all incidents of such conduct to the District's designated complaint officer through formal and/or informal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority. All such reports will be kept as confidential as possible.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, if the District has knowledge of or has reason to know of any alleged racial

harassment, the District is obligated even in absence of a complaint, to investigate such conduct promptly and thoroughly.

Adopted: 02/24/1997

Renumbered: 07/09/2012

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

Gender: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

Transgender: someone whose gender identity is different than their gender assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

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SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent/guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

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SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§ 2-d, 11(7), 3201-a
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7550 – Dignity for all Students
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date: October 15, 2015