

## **Dignity for All Students (DASA)**

The New American Academy Charter School (the “School”) creates a safe and supportive environment for all community members; we abide by the New York State Dignity for All Students Act. This law seeks to “provide students with a safe and supportive environment from discrimination, intimidation, taunting, harassment, and bullying (including cyber bullying) on school property, a school bus and/or at a school function.” Discrimination and harassment are prohibited by employees or students based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

### **Respect for All**

All students have the right to attend schools that are safe, secure, and peaceful environments. The New American Academy Charter School’s Board of Trustees (the “Board”) recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the School to educate its students and disrupt the operation of the school. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

Bullying in schools has historically included actions shown to be motivated by a pupil’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, weight, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

The Board prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

### **Definitions**

#### *Bullying*

Bullying is understood to be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. To facilitate implementation of this policy and to provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”) to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. Bullying is an unwanted aggressive behavior that involves or a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

#### *Discrimination*

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the Definitions section, under Harassment, below).

### *Hazing*

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

### *Harassment*

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

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

In some instances, bullying or harassment may constitute a violation of an individual's civil rights.

### *Prevention*

The School setting provides an opportunity to teach our children, and emphasize among staff, that cooperation with and respect for others are key values of the School. Staff members and students will be sensitized, through professional development and instruction (when possible), to the warning signs of bullying, as well as to their responsibility to become actively involved in the

prevention of bullying before overt acts occur. The School Counselor will serve as the Dignity Act Coordinator (DAC). The DAC is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex. The DAC will coordinate dissemination of information on anti-bullying, implement strategies to prevent bullying, and enforce this policy. In addition, the DAC will be responsible for receiving reports of observed or suspected acts of bullying, investigating, remedying, and tracking those allegations.

### *Intervention*

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention should emphasize education and skill building. Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches. In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and applicable law.

### *Provisions for Students Who Don't Feel Safe at School*

The Board acknowledges that, notwithstanding actions taken by staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed to help ensure the safety of the student and bring this to the attention of the Principal and Assistant Principal. The Principal and Assistant Principal, or other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations. The Board recognizes that the accommodations that enhance student safety must be weighed against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### *Training*

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Principal and Assistant Principal and/or appointed staff member will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to staff that have contact with students. The DAC will be trained in accordance with State requirements and will continue their professional development so as to successfully support this policy and program.

### *Reporting and Investigation*

Although it can be difficult to step forward, the Board cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying the School's Employee Handbook. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. All incidents of bullying will be reported to the New York State Education Department on at least an annual basis, so that the state can evaluate the School's performance under the policy. Such incidents may be included in the Violent and Disruptive Incident Reporting (VADIR) system, as applicable. There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to the Principal and Assistant Principal or other member of the Educational Leadership Team who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware to the Principal or Assistant Principal or other member of the Educational Leadership Team or other person who supervises their employment.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

### *Disciplinary Consequences/Remediation*

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the School's Code of Conduct.

### *Non-Retaliation*

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

### *False Claims*

Anyone making false claims of harassment or bullying will be subject to disciplinary action as defined by this policy.

*Dissemination, Monitoring, Review, and Reporting*

This policy, or a plain language summary, shall be published in parent and employee handbooks. A bullying complaint form will be available upon request to the DAC. The School will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

To read the full Dignity for All Students Act, please visit <http://www.p12.nysed.gov/dignityact/>.

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