

DCS CODE OF CONDUCT

4201

Discovery (DCS) has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board of Directors shall further provide for the enforcement of such a Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, 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 133 Hoover Drive Rochester NY 14615, or in or on a school bus (Education Law §11[1]); a school function shall mean a school-sponsored extracurricular event or activity (Education Law §11[2]); regardless of where such event or activity takes place, including those that take place in another state and/or another country; and a school bus shall mean every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142);

The DCS Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The DCS Code of Conduct includes the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Directors and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination, bullying and/or harassment (the creation of a hostile environment by conduct or by threats, intimidation or abuse) against any student,

by employees (any person receiving compensation from the school or employee of a contracted service provider or worker placed within the school under public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact- Education Law §§11[4] and 1125[3]) or students on school property or 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, that creates a hostile environment by conduct, with or without physical contact threats, intimidation or abuse (verbal or nonverbal) of such a severe nature that:

1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
2. Reasonably cause or would reasonably be expected to cause a student to fear for his/her physical safety.

When the term "bullying" is used, even if not explicitly stated, such term includes cyber bullying, meaning such harassment or bullying that occurs through any form of electronic communication.

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 practices, disability ((a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal body function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such an impairment- Education Law §11[4] and Executive Law §292[21]), sexual orientation (actual or perceived heterosexuality, homosexuality or bisexuality- Education Law §11[5]), gender (actual or perceived sex and includes a person's gender identity or expression- Education Law Section §11[6]), or sex; provided that 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 Education Law Sections 3201-a or 2854(2) (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 504 of the Rehabilitation Act of 1973;

c) Standards and procedures to assure security and safety of students and school personnel;

d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the School Director (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;

f) Disciplinary and remedial measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence- including, but not limited to, peer support groups, assignment of a mentor, corrective instruction that reemphasizes behavioral expectations, engagement of student in reflective activities, supportive intervention and/or mediation, behavioral assessment or evaluation, behavioral management plan or contract, detention, suspension or expulsion;

g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function or off school property when the actions create or would foreseeable create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph- DCS recognizes the importance of reporting incidents of discrimination, harassment, bullying:

- 1.) School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the School Director, Dean of Students or School Counselor not later than one school day afterwards, and shall also file a written report no later than two days after making the oral report
- 2.) The School Director, Dean of Students or Social Worker shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports
- 3.) When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the School Director or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/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 behavior was directed.
- 4.) The School Director or his designee shall notify promptly the local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- 5.) The School Director shall provide a regular report, at least once a year, on data and trends related to harassment, bullying, and/or discrimination to the Board of Directors.
- 6.) Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.;

h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local

laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;

j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;

k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;

m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;

n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;

o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a marking quarter;

p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;

q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and

r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The Board of Directors shall adopt the DCS Code of Conduct only after at least one public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The DCS Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. DCS may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and DCS's response to Code of Conduct violations. The Board of Directors shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. DCS shall file a copy of its Code of Conduct and any amendments, with the Charter School Office, in a manner prescribed by the Charter School Office, no later than thirty (30) days after their respective adoptions. The Board of Directors shall ensure community awareness of its Code of Conduct by:

- a) Posting the complete Code of Conduct on the Internet website including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the Code of Conduct to all students and parents or persons in parental relation to students in an age-appropriate version, written in plain language, at the beginning of each school year, and making the summary available thereafter upon request;
- c) Providing each existing teacher with access to an electronic copy of the complete Code of Conduct and notice of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code; and
- d) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Dignity for All Students

The Dignity Act was signed into law on September 13, 2010 and took effect on July 1, 2012. "New York State's Dignity for All Students Act seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property,

a school bus and/or at a school function. The Dignity Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes." (NYSED.gov)

In accordance with NYS Education Law, the Board of Education has adopted Policy 7550, *Dignity for All Students*, to provide a framework of support to continue to maintain a culture and climate of mutual respect in our schools. The District Code of Conduct provides expectations for students, staff, and visitors as they work and/or volunteer in our schools.

In each school, a Dignity for All Students (DASA) Coordinator is 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 DASA coordinators are available to assist families with any concerns.

Dignity Act Coordinators: Kristen Nowakowski- knowakowski@rochesterdiscovery.com 585-342-4032; Krystle Clark- kclark@rochesterdiscovery.com 585-342-4032

Privacy Rights

As part of any investigation, DCS has the right to search all school property and equipment including DCS computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by DCS for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 11(8), 801-a, 2801 and 3214 Family Court Act Articles 3 and 7 Vehicle and Traffic Law Section 142 8 New York Code of Rules and Regulations (NYCRR) Section 100.2

IN CONCLUSION

The DCS Board of Directors acknowledges its responsibility to protect the educational climate of the school and to promote responsible student behavior. Accordingly, the Board delegates to the School Director the responsibility for assuring the implementation of this Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

DCS would like to acknowledge the Brighton Central School District as the model for much of this Code of Conduct

Approved by the Board of Trustees

August 15, 2013

Reviewed by the Board of Trustees

June 18, 2018