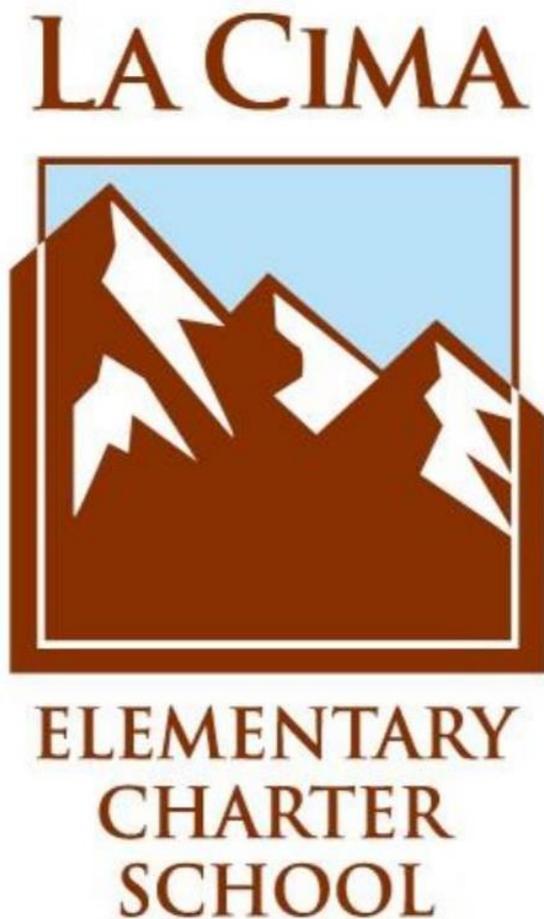


# La Cima Charter School

## Scholar Behavior Code



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## Welcome to La Cima Charter School

We are pleased that you decided to join us at La Cima on this journey to challenge your child to succeed. We take this commitment very seriously and appreciate your alignment with our goals for your child(ren). In the next few pages, you will read information that provides details about our philosophy on discipline; expectations for conduct; responses to misconduct. Our statements are intended to ensure that there is a *meeting of the minds*, as it relates to our conduct expectations and responses to discipline matters.

Many schools reinforce a system that uses discipline to mete out consequences that marginalize some students. This marginalization often leads to disengagement from the school setting, which in turn leads to societal marginalization. In contrast, our approach is to offer support to students who need it the most. Therefore, we believe strongly in restitution. If a mistake is made, we work to restore students to our community by ensuring they connect their actions to the reactions. It is for this reason that we do not suspend students out-of-school. We provide the opportunity for scholars to continue to learn, while reflecting on their choices that resulted in these negative and unintended outcomes.

After reading this document, we hope that you are clearer on what you will experience at La Cima. I hope you align yourself with the idea that “it takes a village to raise a child.” We are the village. We will support our children together.

Thank you for your support.

In Partnership,

Principal Belle

# Our Philosophy Statement

"La cima" is Spanish for the peak of a mountain. The peak represents excellence, your personal best; it is a place of reflection after the hard work of climbing, where we can celebrate our progress, and plan for the next challenge.

The **mission** of La Cima Elementary Charter School is to prepare our students for academic and life-long success through a rigorous and relevant academic program.

Our **vision** is to develop students who have intellectual capacity, social capital and emotional strength of character to be personally successful and to act as effective change-makers in their communities.

We have a strong belief in our students becoming change-makers in their current communities and the communities of the future. To support and sustain this belief, as a school community we have foundational principles that are called C.A.R.E. Our school culture is rooted in our C.A.R.E Principles. These principles provide guidance for our behavioral expectations as well as our supportive responses to the behaviors that we observe with students.

## C.A.R.E – Founding Principles

<b>C</b>	<b>Community</b>	<i>Together We are Stronger</i>
<b>A</b>	<b>Accountability</b>	<i>I am responsible for you and for me.</i>
<b>R</b>	<b>Reconciliation</b>	<i>I make peace with my words and my actions.</i>
<b>E</b>	<b>Effective Effort</b>	<i>I learn from my actions and I never give up!</i>

We address the development of our students as change-makers proactively with our C.A.R.E Principles. When we see that our students are not showing their best selves we respond to those behaviors with a restorative approach.

A restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

## It Takes A Village To Develop A Change-maker – Behavior Code Community Expectations

Scholars, families, and school staff all have a role in making schools safe and must cooperate with one another to achieve this goal. The manner in which scholars conduct themselves in school is a major factor in establishing and maintaining a safe and respectful school community.

To promote positive scholar behavior, all members of the school community — scholars, staff and families — must know and understand, the standards of behavior which all scholars are expected to live up to, the supports and interventions that will be used to address misconduct, and the disciplinary responses if behavioral standards are not met.

### *Teachers & School Staff*

- As role models, school staff should exhibit the behaviors that they would like to see scholars emulate.
- It is essential that teachers set aside time to assess, teach and support scholars' soft skills as they relate to each of our C.A.R.E Principles. This is especially important when working with children in the early childhood grades given their developmental capacity to understand behavior and responses.
- Equally imperative, all school staff must affirm clear and consistent behavioral expectations that set the tone for a safe and respectful school community.
- School staff will keep families informed of their child's behavior and enlist families as partners in addressing areas of concern (outreach to families can include, but is not limited to, a phone call and/or a written communication).

### *Families*

- As role models, families should exhibit the behaviors that they would like to see scholars emulate.
- To ensure that families become active and involved partners in promoting a safe and supportive school environment, they must be familiar with the Behavior Code.
- Families who want to discuss supports and interventions in response to scholar behavior should contact a La Cima Staff member.

### *Scholars*

- All scholars, regardless of age, should be engaged in discussion of the school community's expectations and should be active participants in creating classroom "ground rules" for their behavior.
- Once the community expectations are shared, scholars must be responsible for exhibiting them in alignment with our C.A.R.E Principles in all spaces of learning during school hours (including field experiences).

## Determining the Disciplinary Response

School officials will consult this document (the Behavior Code) when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct.

The following facts will be considered prior to determining the appropriate disciplinary measures:

- the scholar's age and maturity;
- the scholar's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity and scope of the behavior; the circumstances/context in which the conduct occurred;
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the social emotional status/needs of all persons involved in the behavior; the scholar's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan) and/or
- 504 Accommodation Plan, if applicable.

Supports and interventions are an integral part of a comprehensive response to behavior.

## Progressive Discipline

At La Cima, we take a more progressive approach to discipline. Understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability and behavioral change.

The goal of progressive discipline is prevention of a recurrence of negative behavior by helping scholars learn from their mistakes. Essential to the implementation of progressive discipline is assisting scholars who have engaged in unacceptable behavior to:

- understand why the behavior is unacceptable and the harm it has caused;
- understand what they could have done differently in the same situation;
- take responsibility for their actions;
- be given the opportunity to learn pro-social strategies and skills to use in the future; and
- understand the progression of more stringent responses if the behavior reoccurs.

Every reasonable effort will be made to correct scholar behavior through counseling and other school-based interventions such as restorative practices. Supports and interventions are essential because inappropriate behavior or violations of the Behavior Code may be symptomatic of more serious

problems that scholars are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of scholars and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to scholars' education, and promote positive school culture. When a scholar's misconduct results in a placement out of the classroom, the school will consider, where appropriate, using the restorative circle process as an effective strategy to support a successful return to the scholar's regular program.

## Where and When the Behavior Code Applies

The standards set forth in the Behavior Code apply to behavior:

- in school during school hours;
- before and after school, while on school property;
- on the way to and from school, including while traveling on vehicles funded by the NYC DOE and/or other chartered modes of transportation;
- at all school-sponsored events; and on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community;
- online and through social media applications and platforms through which students can negatively impact the school community

When misbehavior involves communication, gestures, or expressive behavior, the misconduct applies to oral, written, or electronic communications, including but not limited to texting, e-mailing, and social networking.

## Addressing Bullying and Biased-Based Behavior

La Cima promotes a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among scholars and between scholars and staff, providing all scholars with a supportive and safe environment in which to grow and thrive academically and socially. The ability of scholars to learn and meet high academic standards and La Cima's ability to educate its scholars are compromised when scholars engage in discrimination or harassment, bullying, or intimidating behavior toward other scholars.

Bullying and harassment can take many forms and includes behavior that targets scholars because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all scholars, and it is a school's responsibility to eliminate the hostile

environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur.

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, guidance counselors, scholars, and families—needs to understand what bullying is and the rules that prohibit such behavior. Clarifying school-wide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looker) are vitally important to helping scholars play a pivotal role in bullying prevention.

Integral to preventing scholar-to-scholar bullying and/or bias-based behavior is effective social-emotional learning that helps scholars develop social-emotional core competencies. These fundamental life skills are: recognizing and managing their own emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically.

Scholars who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Scholars who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, scholars who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment of any kind. To help scholars learn how to be allies, we offer special assemblies and professional development opportunities for staff.

## What is Bullying?

Bullying is behavior that is intended to cause some kind of harm. The person doing the bullying purposely says or does something to hurt the target of his/her behavior.

- Bullying behavior always involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior.
- The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted.
- It is a pattern of behavior usually repeated over time and can take many forms.
- Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group).
- The aggressive behavior is unwanted and negative. It is deliberate and unprovoked.
- The targeted person is harmed by what is purposely being said or done.

The Dignity for All Students Act (DASA) was established to protect all students from harassment, bullying, and discrimination. It became effective on July 1, 2012. The act was developed to prohibit bullying, harassment, discrimination, or cyberbullying against students in school based on the following:

- Race
- Color

- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sexual Orientation
- Gender (including gender identity & gender expression)
- Sex
- Other markers of one's identity

See The Dignity for All Students Act (DASA) Policy, Appendix B

## Progressive Ladder of Support and Disciplinary Responses

The ladder of supports and disciplinary responses below illustrates a progressive response to inappropriate behavior. Scholar misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors including the nature and severity of the misconduct. In many cases, the use of in-school disciplinary response and/or the use of supports and interventions may be most suitable. In other cases, a scholar's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response along with supports and interventions. In all cases, it may be most suitable for supports and interventions to take place outside of the classroom.

### 1. Concurrent Support and Disciplinary Response to Misconduct

When a scholar engages in misconduct, support services are provided to address the scholar's inappropriate behavior and/or underlying needs in conjunction with disciplinary action. The goal is to foster social-emotional growth and pro-social behavior and prevent future misbehavior.

### 2. Initial Response(s)

When a scholar experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the scholar, takes one or more of the following steps: has a conference with the scholar; refers the scholar to an Assistant Principal. One or more interventions and/or options for primary disciplinary responses are used to address the scholar's behavior.

### 3. Universal Prevention for All Scholars

The school takes a whole school approach to promoting positive scholar behavior. Social-emotional learning is infused into the curriculum. Staff meet regularly to ensure that there is a comprehensive scholar support program in place that includes class-wide positive behavior intervention systems, counseling services, guidance, opportunities for social-emotional learning, scholar engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social scholar behavior, foster resiliency, and build scholars' positive

connection to the school community. The school has a system in place for early identification of scholars in need of prevention, intervention and/or support services.

#### **4. Supports and Intervention Options**

- Teacher conference/classroom observation
- Conflict resolution
- Restorative practices (e.g., circle or formal restorative conference)
- Assignment of a mentor/coach
- Guidance lessons in classrooms
- Social-emotional learning
- Individual behavioral contract or progress reports
- Collaborative problem solving
- Parent Contact
- Referral to Scholar Support Team
- Guidance conference
- Individual and/or small group counseling
- Referral to school nurse or school-based health clinic or external health care provider
- Referral for academic support services
- Referral to external mental health counseling provider or community-based organization
- Referral to counseling for bullying, intimidation or harassment
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- School counselor and/or other support staff and/or administrator/scholar conference

#### **5. Disciplinary Response Options**

Range of In-School Disciplinary Response(s)

- Formal restorative conference
- Assistant Principal conference with scholar
- Short-term progress reports
- Referral to Scholar Support Team
- Individual behavior contract
- In-school disciplinary action (e.g., detention)
- Parent conference
- Scholar/teacher conference
- Administrator/parent and scholar conference
- Behavior Incentive Chart
- Administrator meeting with scholar to address wrongdoing and its responses
- Teacher Removal or Suspension
- Removal from classroom by teacher
- In-school Suspension

The following outlines the acts of misconduct that will be addressed in the disciplinary levels described below. The behaviors listed under each misconduct level are not exhaustive and

therefore should not be construed as a limitation upon the authority of school officials to deal with other types of conduct which interfere with the good order of the school, the proper functioning of the educational process or the health and safety of students.

### Scholar Intervention and Discipline Code

<b><i>Level 1 Misconduct</i></b>	<b><i>Possible Responses to Level 1 Misconduct</i></b>
<ul style="list-style-type: none"> <li>• Behaving in a manner that disrupts the educational process (e.g. making excessive noise in a classroom, library or hallway)</li> <li>• Exhibiting off-task behaviors</li> <li>• Using disrespectful, hurtful or unkind language</li> <li>• Failing to wear the required school uniform</li> <li>• Being late for school</li> <li>• Failing to be in one’s assigned place</li> <li>• Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process</li> </ul>	<ul style="list-style-type: none"> <li>• Non-verbal redirection/correction</li> <li>• Verbal redirection/correction</li> <li>• Loss of Privilege</li> <li>• Time -Out (in classroom)</li> <li>• Fix-it (repair the harm done)</li> <li>• Loss of privilege</li> <li>• Apology/Public Apology</li> <li>• Phone call home</li> </ul>

<b><i>Level 2 Misconduct</i></b>	<b><i>Possible Responses to Level 2 Misconduct</i></b>
<ul style="list-style-type: none"> <li>• Repeated Level 1 behaviors</li> <li>• Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission</li> <li>• Failing to cooperate or comply with directions of school personnel and volunteers</li> <li>• Using profane, obscene, vulgar, or lewd language, gestures, or behavior</li> <li>• Lying to, giving false information to, and/or misleading school personnel</li> <li>• Misusing property belonging to others</li> <li>• Engaging in or causing disruptive behavior on the school bus</li> </ul>	<ul style="list-style-type: none"> <li>• Step Out - To a buddy classroom</li> <li>• Loss of privilege for a reasonable period of time</li> <li>• Alternative setting and or space for lunch and recess</li> <li>• Alternative seating for a timeout from the community</li> <li>• Incentives Based Behavior Chart</li> <li>• Additional homework assignment, reflection or project</li> <li>• Community service project</li> <li>• In-school suspension (1-day)</li> </ul>

<b>Level 3 Misconduct</b>	<b>Possible Responses to Level 3 Misconduct</b>
<ul style="list-style-type: none"> <li>• Repeated Level 2 behaviors</li> <li>• Bullying</li> <li>• Verbally aggressive/threatening behavior</li> <li>• Threatening to harm another community member</li> <li>• Physically aggressive behavior (play fighting or horseplay, non-impulsive hitting, kicking, spitting).</li> <li>• Vandalizing community property</li> <li>• Taking items from community members without permission</li> <li>• Violation of technology/internet safety policy</li> <li>• Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body</li> <li>• Leaving class or school premises without permission of supervising school personnel (elopement)</li> <li>• Giving dishonest or misleading information</li> <li>• Academic dishonesty</li> </ul>	<ul style="list-style-type: none"> <li>• Family Conference with Assistant Principal or Principal</li> <li>• Loss of privilege</li> <li>• Apology to community</li> <li>• Alternative seating out of the community</li> <li>• Alternative learning environment</li> <li>• Alternative setting for lunch and recess</li> <li>• Additional homework assignment/reflection/project</li> <li>• Community service project</li> <li>• Family shadow for specified amount of time</li> <li>• In-school suspension (2-3 days)</li> </ul>

<b>Level 4 Misconduct</b>	<b>Possible Responses to Level 4 Misconduct</b>
<ul style="list-style-type: none"> <li>• Repeated Level 3 behaviors</li> <li>• Bullying - Targeted, repeated harassment towards a community member</li> <li>• DASA Violation</li> <li>• Fighting - on and off school property</li> <li>• Possession, using, selling or sharing contraband</li> <li>• Serious or dangerous disruption of the learning environment</li> <li>• Tampering with the fire alarm</li> <li>• Weapons (knives, gun, etc.)</li> <li>• Excessive disregard for school wide policies and procedures</li> <li>• Unwanted/unsafe touches</li> <li>• Cyberbullying</li> <li>• Destroying community property</li> </ul>	<ul style="list-style-type: none"> <li>• Family conference with Principal</li> <li>• Loss of privilege</li> <li>• Apology to community</li> <li>• Alternative seating out of the community</li> <li>• Alternative learning environment</li> <li>• Alternative setting for lunch and recess</li> <li>• Additional homework assignment/reflection/project</li> <li>• Community service project</li> <li>• Law enforcement notification as necessary</li> <li>• In-school Suspension (4-5 days)</li> </ul>

## Due Process For In-School Suspension

When an in-school suspension is given, the school will provide the student with a written notice of the behavior and an opportunity to offer the student's version of the event. The student and parent, on request, will be given an opportunity for an informal conference with the assistant principal and/or principal.

Informal conferences will take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the student's notice and opportunity for an informal conference should take place as soon after the suspension is reasonable practicable.

## Discipline and Students With Disabilities

In addition to the disciplinary procedures applicable to all students, the following procedures are applicable to students with disabilities. La Cima will comply with sections 300.519-300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern. These procedures will also be followed for students not specifically identified as having a disability but about whom La Cima, prior to the behavior giving rise to the disciplinary action, has a basis of knowledge about a potential disability, in accordance with 34 CFR 300.527(b).

The school shall maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

If a student identified as having a disability is suspended during the course of the school year for a total of ten days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. The student shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement regarding:

1. The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
2. The commission of any infraction resulting from the student's disability.

## Provision of Services During Removal

Those students removed for a period of up to ten days will receive all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. La Cima will also provide additional alternative instruction within the ten days and by appropriate means to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

During any subsequent removal that, combined with previous removals would exceed ten school days during the school year, but according to the CSE does not constitute a change in placement, services must be provided to the extent determined necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of her IEP. In these cases, school personnel, in consultation with the student's special education teacher, will make the service determination.

Where a student with an IEP engages in particularly dangerous behavior, namely by having a weapon or drugs at La Cima or by inflicting serious bodily harm on another person while at school, he or she may be removed pursuant to in 34 CFR 300.530(g) to an interim alternative education setting for not more than 45 school days without regard to whether the behavior is determined by the CSE to be a manifestation of the child's disability. This may be the case where a student:

- **Carries or possesses a weapon** to or at school, on school premises, or to or at a school function; or
- **Knowingly possesses or uses illegal drugs**, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function; or
- **Has inflicted serious bodily injury** upon another person while at school, on school premises, or at a school function.

During any removal for drug or weapons offenses, services will be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of her IEP. These service determinations will be made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR 300.530(g).

During any subsequent removal that does constitute a change in placement, but where the behavior has been determined by the CSE to not be a manifestation of the disability, the services will be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of her IEP. The CSE of the student's district of residence will make the service determination.

## Due Process For Students With Disabilities

If discipline which would constitute a change in placement is contemplated for any student, the following steps will be taken: (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability will be notified by the school of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) the CSE and other qualified personnel will meet and review the relationship between the student's disability and the behavior subject to the disciplinary action (subject to CSE's availability).

If, upon review, it is determined by the CSE that the student's behavior was not a manifestation of his or her disability, then the student may be disciplined in the same manner as a student without a disability, except as provided in 34 CFR §300.121(d), which relates to the provision of services to students with disabilities during periods of removal.

Parents may request a hearing to challenge the manifestation determination. Except as provided below, the student will remain in her current educational placement pending the determination of the hearing.

If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to dangerousness, weapons or drugs, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period (no longer than 45 days) provided for in the disciplinary action, whichever occurs first, unless the parent and School agree otherwise.

## Gun-Free Schools Act

Federal and State law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that the Executive Director may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "Weapon," as used in this law means a "firearm," as defined by 18 USC§8921, and includes firearms and explosives. (New York Education Law §3214(3)(d) effectuates this federal law.)

The following are included within this definition:

- Any device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury. Knives with a blade of two and half inches or more in length fall within this definition.
- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any weapon described above.
- Any firearm muffler or firearm silencer.
- Any destructible device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.

- Any weapon which will, or may readily be converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device in the two immediately preceding examples, and from which a destructive device may be readily assembled.

The Executive Director shall refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The Executive Director shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

## APPENDIX

## APPENDIX A: Glossary of Terms

## Glossary

### Definition

Administrator Conference	Meeting including administrator which may include Principal, Assistant Principal and/or another member of the school leadership team.
At Risk Counseling	Counseling services provided by school guidance counselor or school psychologist. Requires parental consent and may or may not be accompanied with mandated IEP goals.
Behavioral Intervention Plan (BIP)	Plan of action created to support desired improvements or outcomes for scholar includes holistic approach.
Bullying	Repeated, habitual or deliberate use of force, coercion, or threats, to abuse, aggressively dominate or intimidate.
CARE Principles	La Cima's guiding principles that define our code of conduct of all scholars and staff in order to achieve our mission. (Community, Accountability, Reconciliation Effective Effort)
Case Study	Process of recording detailed information of incidents and interventions for a period of time to gather supporting information in the development of a supportive action plan. Term used to describe our belief system that any and everyone has the ability to solve problems, innovate and contribute to our school community and larger society in a positive way.
Change-maker	
Child Find/Study Process	A formal process of reviewing gathered information to locate, identify and evaluate children with disabilities regardless of the severity of their disability in order to determine needs in requesting an Individual Education Plan in collaboration with the CSE.
Collaborative Negotiation Conflict	Child Find requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities.
Committee on Special Education (CSE)	The CSE is appointed by the Department of Education, authorized to identify students in need of services by determining eligibility, developing an Individualized Education Plan (IEP), placing the student in the least restrictive environment in which they can succeed and provide appropriate services to meet the child's educational needs.
Cyberbullying	
DASA	The Dignity for All Students Act which 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.
Functional Behavioral Assessment (FBA)	A problem solving process used to identify the reasons for a demonstrated behavior and possible interventions that can be applied to address it.
Home Visit	Visits to the home by scholar support team members or school administrator that works to enhance the home to school connection.
Individual Behavior Contract	A behavioral incentive tool created in collaboration with the scholar to track and document progress towards desired behaviors. <i>See sample Appendix A</i>
Individual Education Plan (IEP)	A written statement of a plan to provide your child with a Free and Appropriate Public Education (FAPE) in their Least Restrictive Environment (LRE).
Individual Safety Plan	
Misconduct	An act in violation of the school policies and procedures.

Multi-Tiered System of Support (MTSS)	Incorporates aspect of schoolwide support systems, activities and culture that work to enhance the learning environment and support of scholars
Progressive discipline Scholar Teacher Conference	Conference between scholar performing misconduct and teacher with goal of restoring the built relationship and agreements to move forward

## APPENDIX B: Dignity for All Student Act (DASA)

## Dignity for All Student Act (DASA)

La Cima maintains a safe and supportive environment for all community members; we abide by the New York State Dignity for All Students Act. That 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 is 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. La Cima 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.

La Cima 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. La Cima recognizes that these definitions are important standards, but our 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

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 Special Education Coordinator 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*

La Cima 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. The Principal, or other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

La Cima 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*

La Cima recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. A school leader 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 school 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 Manual. 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 Chief of Schools or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware to the Executive Director or other administrator 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 Behavior Policy.

#### *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/>.