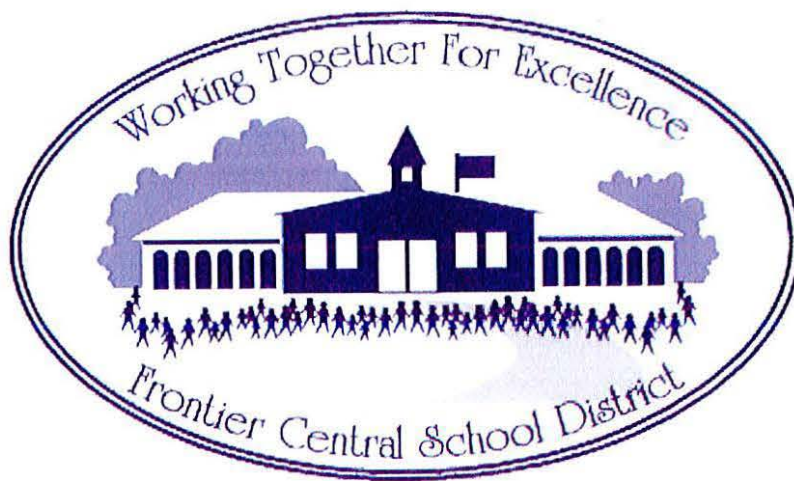


Frontier Central School District  
5120 Orchard Avenue  
Hamburg, NY 14075



CODE OF CONDUCT  
and  
PERTINENT  
DISTRICT POLICIES

2018-2019

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*The Frontier Central School District Code of Conduct is approved by the Board of Education annually.  
Revisions approved by the Board of Education July 10, 2018.*

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\*Input from members of the 2017-18 Safe Schools Committee  
Board of Education Policies Updates 2017-18



# Code of Conduct

## Philosophy

The Frontier Central Board of Education is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

## Student Rights & Responsibilities

### A. Student Rights

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, free from bullying or harassment by school employees or students, all District students have the right to:

1. Take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

### B. Student Responsibility

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect and dignity to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class on time prepared to learn. Chronic absence may affect the student's ability to participate in school events.
4. Work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
5. React in a respectful, positive manner to direction given by teachers, administrators and other school personnel.
6. Work to develop mechanisms to control their anger.
7. Seek help in solving problems that might lead to discipline.

8. Dress appropriately for school and school functions.
9. Accept responsibility for their actions and develop self-advocacy skills.
10. Store outerwear, book bags, totes, in their lockers during the school day. All electronic devices should be in silent mode. It is recommended that personal electronic devices be stored in the student's locker. The Frontier Central School District is not responsible for lost or stolen items. Personal electronic devices are allowed to be used on Frontier Central School District property, providing the user follows district policy. These personal devices are not school property. School property is defined as the school bus, school buildings and grounds, etc. Taking pictures or the recording of any student or any Frontier School District employee is a violation of that student/employee's privacy rights and will be subject to discipline. Under certain circumstances legal authorities may be contacted.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Abide by the Dignity For All Students Act (See Policy 7549 on page 41)

### **Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

This code is designed to be a guide and is by no means all inclusive. Final decisions concerning appropriateness of dress will be made by building administration.

A student's dress (male or female), grooming and appearance, including hair style/color, jewelry, makeup and nails shall be safe, appropriate and not disrupt or interfere with the educational process.

Students in grade K-12 shall not wear the following:

1. Any clothing, apparel, footwear or jewelry which:
  - \* is considered unsafe, dangerous or a health hazard (no outerwear shall be worn during the school day);
  - \* contains offensive or obscene symbols, signs, slogans or words denigrating any person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation; or any other illegal or violent activity.
  - \* contains language or symbols promoting or endorsing violence, sex, drugs, alcohol, tobacco, vaping, nicotine or vandalism;
2. Any attire or grooming disruptive to the instructional process which may include, but is not limited to:
  - \* bare midriffs, halter tops, tube tops and any clothes insufficient to conceal undergarments at all times, such as net/mesh shirts, blouses, shirts or dresses that are transparent and/or expose cleavage; unbuckled belts
  - \* short shorts, short skirts, dresses or pants that are tight or revealing;
  - \* pajama pants or bedtime clothing, bedtime wear, slippers, stocking-feet, bare feet
  - \* hats, bandanas, sunglasses (no headgear)
  - \* chains, dog collars, hanging chains



- \* "muscle" shirts
- \* gang colors or gang paraphernalia
- \*\* Exception - can be made by school administrator for the wearing of articles of clothing normally prohibited for school-wide celebrations (ie: homecoming, etc.)

Exceptions to the Dress Code necessitated by religious practice will be considered individually by the building administrator.

Provisions of the Dress Code are applicable at all times within the school building and during all school activities. Exception or modification of a provision of the dress code may be authorized by the building principal for a specific school-related activity on a single event basis.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made at the building level during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

### **Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
  1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.

6. Misuse/damage of school materials and/or property. Parents may be responsible for damaged or misused school property.
  7. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
  9. In possession of two-way radio.
  10. Pantsing
  11. Extremely harmful online speech/pictures can violate criminal laws. The following kinds of speech/pictures will be reported to the appropriate authorities:
    - Making cyber threats of violence to a Frontier District employee, student, or their property (See Policy 7552 on page 38).
    - Engaging in coercion (force someone to do something he/she doesn't want to do).
    - Making inappropriate, obscene or harassing telephone calls, e-mail or text messaging and/or using social networks.
    - Taking a photo or video of someone in a place where privacy is expected (locker room, pool, or lavatory) or when permission is not granted or the person is unaware of the picture being taken.
    - That may take place in school or out of school and may impact the educational experience of others.
- \*Note: Pool photos are permissible during swim meets/competitions.

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

1. Failing to comply with reasonable requests or directions of teachers, school administrators, other school employees or chaperones in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving class or school without permission.
3. Skipping detention.

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

1. Failing to comply with the reasonable requests or directions of teachers, school administrators, other school personnel or chaperones in charge of students.
2. Use of cell phone, personal entertainment devices and other electronic devices (i.e. Tablets, iPods, headphones, T.V. MP3's or other types of electronic devices) during school hours, is allowed in common areas of the building, if permitted by the building level administration, but is not permitted in the nurses' office, lavatory or locker rooms.
3. Students may not be in corridor during class time without a hall pass or a signed agenda and must be prepared to give their names to faculty or staff upon request.

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

1. Committing an act of violence or attempting to do so (such as hitting,



- kicking, spitting, punching, scratching, biting, poking or stabbing) upon a teacher, administrator or other school personnel.
2. Committing an act of violence or attempting to do so (such as hitting, kicking, spitting, punching, scratching, biting, poking or stabbing) upon another student or any other person lawfully on school property or at a school function on or off campus.
  3. Possessing a weapon. A knife of any type will be viewed as a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon or endangering instrument.
  5. Threats of any type to include but are not limited to: weapons, gestures of a threatening nature, violent pictures or pictures of any violent nature, writings or verbal threats which are of a violent nature.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
  8. Shall not possess or display any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition of any type, or a knife of any type.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex as a basis for treating another in a negative manner.
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization club or team.
  8. Exclusion or isolation for the purpose of belittlement or humiliation.
  9. Selling, using, sharing, distributing or possessing obscene material.
  10. Using vulgar or abusive language, cursing or swearing.

11. Inappropriate show of affection: Outward displays of affection inappropriate to school environment.
  12. Smoking or possessing a cigarette, cigar, pipe or using or possessing chewing or smokeless tobacco, e-cigarettes or vapor related products, lighters and ignition products. Confiscated items will not be returned.
  13.
    - a. Possessing, consuming, selling, purchasing, distributing or exchanging alcoholic beverages including energy drinks with/without alcohol content or illegal substances or paraphernalia or synthetic marijuana or other substances to give a drug-like reaction or being under the influence of any of the above.
    - b. Possessing, consuming, selling, purchasing, distributing or exchanging illegal substances or paraphernalia or being under the influence of either. "Illegal substances" include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, opiates, narcotics, and over the counter drugs and prescription drugs, look-alike drugs, and any substances commonly referred to as "designer drugs."
  14. Possession, selling or attempting to sell, purchasing, or sharing substances perceived as a drug.
  15. Inappropriately using or sharing prescription and over-the counter drugs.
  16. Gambling.
  17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  18. Initiating a report warning of fire or other catastrophe, or discharging a fire extinguisher, or causing an Automated External Defibrillator (A.E.D.) box alarm to be activated.
  19. No spitting or deliberate expelling of body fluids in any way, shape or form.
  20. Students may be disciplined for off-campus conduct if school officials believe the behavior has a direct and immediate effect on the general welfare of the school's population.
  21. The manufacture, possession, or distribution of counterfeit materials on school property.
- F. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students riding on buses must comply with the following standards of conduct:
1. Common courtesy toward the bus driver and other students is expected. The driver has full authority in the operation of the bus in order to ensure the safety of passengers.
  2. Profanity will not be tolerated on the bus, nor actions or expressions that are intimidating and/or demeaning to others.
  3. No smoking or chewing tobacco, no possession of tobacco products, no eating or drinking on the bus.
  4. Vandalism on the bus will result in the suspension of bus privileges and the student will be responsible for the cost of repair.
  5. In order to maintain safety:
    - a. Students must be seated at all times while on the bus.
    - b. Students must keep head, hands and feet inside the bus at all times.
    - c. Students must occupy assigned seats--if assigned.



- d. Students are responsible for keeping their area clean.
6. Students may not bring live animals, glass containers, baseball bats, hockey sticks, snow boards or skis, radios, skateboards or lacrosse sticks (if not in a bag) on the bus without authorization. Musical instruments and school projects are only allowed if they can be held on a student's lap. Containers filled with liquid must be kept in a book bag.

Failure to comply with any part of section F may result in suspension of bus privileges.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.

Plagiarism is the unauthorized use of someone else's material, whether it is published, unpublished, professional, amateur, graphic, visual, digital, internet based or an online service, without giving credit to the owner. Plagiarism by students, cannot be tolerated. It is a serious offense. Some examples are:

\*copying someone's assignment, substituting synonyms for another person's word choices or merely paraphrasing borrowed ideas

\*handing in another person's homework as one's own

\*dividing questions on an individual assignment so that each person does a fraction of the work and then sharing all the answers; copying sentences, phrases, paragraphs, pages or visual images from a source without providing complete documentation.

\*using plots, characters, theories, opinions, concepts or ideas from other sources and presenting them as original work.

\*One or more of the following penalties may apply:

\*The student may receive a zero on the assignment, project or test. Any student who aids in the offense may also receive a zero.

\*The student may receive a referral.

\*The parents or guardians of the student will be notified of the infraction.

\*The appropriate Assistant Principal and counselor will be notified.

2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Forgery

H. Sexual Harassment: Any act of sexual harassment on school property, on school bus or at school related activities. Sexual harassment includes, but is not limited to unwelcome flirtation, sexual advances, propositions, unwanted physical contact or forcible touching, degrading words and the display of sexually suggestive pictures. (See Policy 7551 on page 16)

I. Bullying: (See Policy 7552 on page 38)

J. Dignity For All Students Act: (See Policy 7549 on page 41)

## Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

## **Disciplinary Penalties**

### **Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the same time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties may consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

### **A. Penalties**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process. Such penalties may include, but are not limited to:

- < Oral warning—any member of the District staff.
- < Written warning—bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principals, principal, superintendent.
- < Written notification to parent—bus driver, hall and lunch monitors, coaches, guidance counselor, teachers, assistant principals, principal, superintendent.
- < Detention—assistant principals, principal, superintendent.
- < Suspension from transportation—Director of Transportation, principal, superintendent.
- < Suspension from athletic participation—on the recommendation of coaches to Athletic Director, principal, superintendent.
- < Suspension from social or extra-curricular activities—on the recommendation of activity director, principal, superintendent.
- < In-school suspension—principal, superintendent.
- < Removal from classroom by teacher for up to two days for persistently disrupting the educational process as per Education Law 3214 — teachers, assistant principals, principal.
- < Short-term (5 days or less) suspension from school—principal, superintendent.
- < Long-term (more than 5 days) suspension from school—superintendent.
- < Permanent suspension from school—superintendent.



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The principal/asst. principal will work collaboratively with students and a teacher when there are continuing disruptions between or among student(s) & a teacher in a classroom situation.

## B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parent are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### 1. Detention

Teachers may recommend and principals and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty when the student's parent has been notified to confirm that there is no parental objection to the date of the penalty and the student has appropriate transportation home following detention.

### 2. Suspension From Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

### 3. Suspension From Athletic Participation, Extra-curricular Activities & Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District's official imposing the suspension to discuss the conduct and the penalty involved. Refer to *Regulations for Athletes and Cheerleaders* (obtained in the Athletic Office at the High School and on the

Frontier Central website at [www.frontier.wnyric.org](http://www.frontier.wnyric.org)).

4. In-School Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control. Best practice classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

A disruptive student is one whose persistent, overt behaviors cannot be managed through traditional classroom practices without intervention and has become a serious disruption to the learning process. A classroom teacher may remove a disruptive student from a class for up to two days consistent with discipline measures outlined. The student will be placed in the in-school suspension room with work provided by the classroom teacher. The removal from class applies to the class of the removing teacher only.

A classroom teacher may remove a disruptive student from class for up to two days of time. The removal from class applies only to the class of the removing teacher and must comply with the procedures delineated in the District Code of Conduct.

Teacher must make verbal communication with parent prior to student's removal from class for an extended period of time. Prior to the student's return to the classroom, a conference will be held that includes the student, the teacher, the student's counselor, the parent/guardian and an administrator.

6. Suspension From School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary



responsibility for the suspension of students with the superintendent and the building principals.

a. Short-term (5 days or less) Suspension From School

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for 5 days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parent in writing that the student may be suspended from school. The written notice will be provided to the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

b. Long-term (more than 5 days) Suspension From School

When the superintendent, upon the recommendation of the building principal, determines that a suspension for more than 5 days may be warranted, he/she shall give reasonable notice to the student and the student’s parent of a hearing and the charges. Such notice shall also include a description of the due process rights including: their right to be represented by counsel, the right to question witnesses against him/her and the right to present witness and other evidence on his/her behalf.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as when a student’s conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

**C. Minimum Periods of Suspension**

1. Students Who Bring a Weapon to School

Any student, other than a student with a disability, found guilty of bringing a weapon (as defined by Board policy) onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student’s age
- b. The student’s grade in school
- c. The student’s prior disciplinary record
- d. The superintendent’s belief that other forms of discipline may be more effective
- e. Input from parents, teachers, and/or others
- f. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students Who Commit Violent Acts Other Than Bringing a Weapon to School (As Defined by Board Policy)

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least 5 days. If the proposed penalty is the minimum 5-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to short-term suspension. If the proposed penalty exceeds the minimum 5-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum 5-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a 1-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

3. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere With the Teacher's Authority Over the Classroom

Any student, other than a student with a disability, who repeatedly substantially interferes with the teacher's authority over the classroom will be suspended from school for at least 5 days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum 5-day suspension, the student and the student's parent will be given the same notice to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum 5-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum 5-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a 1-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**D. Referrals**

1. PINS Petition

The district may file a PINS (Persons in Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful



control of the school.

- c. Knowingly and unlawfully possess marijuana in violation of Penal Law 221.05. A single violation of 221.05 will be sufficient basis for filing a PINS petition.

2. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court.

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

**Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official or Superintendent's designee authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

**A. Student Lockers, Desks and Other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**B. Student Parking on School Grounds**

The School District retains the authority to conduct routine patrols of student parking lots and inspection of the exteriors of student automobiles on school property at any time. Such patrols and exterior inspections may be conducted without notice, without student or parental consent, and without probable cause or reasonable suspicion.

As a condition of receiving a Student Permit representing the grant of the privilege to park a vehicle on school property, the parent or student must give consent to the random search of the interior of the student's automobile by

School District authorities at any time while it is on school property.

### **Visitors to the School**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his/her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There each visitor will be required to provide an appropriate and current form of identification prior to being issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with permission of the principal and the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. The District reserves the right to take appropriate action to prohibit and/or regulate future visits by any individuals who have been found to have violated these rules for public conduct on school property.
9. No lunch room visitors will be allowed at any school building without prior permission from the building level principal.

### **Public Conduct on School Property**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function including students, parents/guardians, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

#### **A. Prohibited Conduct**

All persons on school property or attending a school function shall conduct



themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

No person, either alone or with others shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage, destroy, or steal school district property or the personal property of a teacher, administrator, other District employee or any person on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, parent/student conferences, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, bully or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or other applicable law or collective bargaining unit.
4. Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any legal rights that they may have.

5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The building principal or his/her designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the principal or his/her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his/her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his/her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.



**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

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The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees, such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

**Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

**Prohibited Conduct**

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures..

- j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.
- m) The transmission and/or solicitation of inappropriate photos, videos, or any other inappropriate materials.

### **Investigation of Complaints and Grievances**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognized that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3421 - Non-Discrimination and Anti-Harassment in the School District, and Administrative Regulation #3421R - Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3421 - Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3421R - Non-Discrimination and Anti-Harassment in the School District.



## **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 USC Section 198(a)

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.

34 CFR Section 100 et seq.

Education Law Section 2801(1)

OCR Dear Colleague Letter, April 4, 2011

**SUBJECT: SMOKING/TOBACCO USE POLICY**

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**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit / spitless tobacco and any other smoking or tobacco product (smokeless, dip, chew, snus and / or snuff) in any form.

**Off-School Grounds**

Tobacco use is prohibited by students at any school-sponsored event or activity off school grounds.

The use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

**Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/ guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events, including those that take place off school premises and in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.



**SUBJECT: GUN-FREE SCHOOLS / STUDENT RESPONSIBILITIES**

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**DEFINITIONS:**

As used in this policy, the following definitions shall apply:

"School Premises" shall mean all property owned, leased, subleased, licensed, or operated by the Frontier Central School District including, but not limited to, all school district buildings and grounds, motor vehicles, school buses, sports, entertainment and educational facilities, auditorium and halls utilized by the district and/or student, parent, staff or faculty groups, organizations or event.

"Firearm" shall mean 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 such weapon; any firearm muffler or silencer or any destructive device [See 18 U.S.C. Section 921].

"Weapon" shall mean and include all of the firearms, dangerous weapons and dangerous instruments and appliances described in Article 265 of the New York State Penal Law including, but not limited to, any firearm, electronic dart gun, electronic stun gun, switchblade knife, gravity knife, ballistic knife, dagger, dangerous knife, dirk, razor, stiletto, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirker or "Kung Fu Star", explosive or incendiary substance or device.

**STUDENT POLICY RELEVANT TO GUNS, FIREARMS AND WEAPONS**

It is the policy of the Frontier Central School District to vigorously pursue the successful prosecution of all persons found in possession of firearms and other dangerous weapons while on school premises pursuant to Article 265 of the Penal Law.

No student shall bring onto any part of school premises, or shall have in his or her possession on any part of school premises any firearm or weapon.

In accordance with the Gun Free School Act of 1994, any student found guilty of bringing a firearm or weapon onto school premises, or of having such firearm or weapon in his or her possession on school premises, after a hearing has been held pursuant to Education Law Section 3214, will be subject to a suspension of at least one calendar year from school, unless the Superintendent of School imposes a lesser penalty on a case-by-case basis.

The Superintendent shall review the penalty and may, but is not required to, modify the penalty based upon factors which may include, but are not limited to, the following:

1. The age of the student;
2. The student's grade in school;

3. The student's prior disciplinary record;
4. The totality of circumstances surrounding the offense;
5. Other extenuating circumstances;
6. The Superintendent's belief that other forms of discipline in place or in conjunction with suspension will be more appropriate for the particular student without adversely affecting the goals of this policy.

In the case of a student who is classified as disabled under the Individuals with Disabilities Act and Part 200 of the Commissioner's Regulations, or as handicapped within the meaning of Section 504 of the Rehabilitation Act of 1973 and its accompanying regulations, the district shall follow appropriate procedures in imposing any discipline under this policy.

Nothing in this policy shall prevent the district from utilizing temporary short-term measures such as suspensions of less than five or full day detention in dealing with student disciplinary problems.

Nothing in this policy shall limit the authority of the district to offer courses in the safe use of firearms under Education Law Section 809-a. Additionally, nothing in this policy shall limit the power of the Board of Education to grant written authorization for possession of a rifle, shotgun, or firearm on school premises pursuant to Section 265.01 (3) of the Penal Law.



**SUBJECT: POLICY ON RESPECTING CULTURAL DIVERSITY**

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The Frontier Central School District is committed to providing an educational environment that respects cultural diversity and is free of harassment or intimidation. Accordingly, this policy strictly prohibits any form of harassment or intimidation by employees, students, visitors, guests, or others which violates this policy.

It shall be a violation of this policy for any employee, student, visitor, guest, or others to harass, abuse, provoke, or intimidate any student, employee or guest of the district on the basis of race, color, ethnic, cultural, religious, or socio-economic background or national origin.

The school district will act to investigate all complaints, whether formal or informal, written or verbal, or harassment or intimidation under this policy and to discipline any student or employee who violates this policy.

**SCOPE AND EXAMPLES OF VIOLATIONS OF THIS POLICY**

Violations of this policy are recognizable in, but not limited to, the following types of behavior, actions and / or situations:

"DIFFERENT TREATMENT" VIOLATION occurs when an agent or employee of the school district, acting within the scope of their official duties, has treated a student, employee, or guest differently on the basis of race, color, ethnic, cultural, religious, or socio-economic background or national origin in the context of an educational program, event or activity without a legitimate, nondiscriminatory reason, so as to interfere with or limit the ability of the student, employee, or guest to participate in or benefit from the services, activities, opportunities or privileges provided by the school district.

"HOSTILE ENVIRONMENT" VIOLATION occurs when the district creates or is responsible for a hostile environment (i.e. harassing, abusive, provocative or intimidating conduct [whether physical, verbal, graphic or written] relative to a person's race, color, ethnic, cultural, religious or socio-economic background or national origin) 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 the services, activities, opportunities or privileges provided by the school district. The district has subjected an individual to different treatment in violation of this policy if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice.

The district acknowledges that, in determining whether a violation has occurred, the relevant particularized characteristics and circumstances of the victim will be taken into account when evaluating the severity of incidents in the district. If it is determined that the violation was sufficiently severe, pervasive or persistent that it would have adversely affected the enjoyment of some aspect of the district's educational program by a reasonable person of the same age and race as the victim under similar circumstances, the existence of a hostile environment will be found.

"DISTRICT HUMAN RIGHTS OFFICERS" shall individually and jointly refer to the Assistant Superintendent for Personnel Services and the Assistant Superintendent for Instruction.

## REPORTING PROCEDURES

Any person who believes he or she has been the victim of harassment or intimidation in violation of this policy by a student or an employee of the district, or any third person with knowledge or belief of conduct which may constitute a violation should report the alleged acts immediately to an appropriate school district official designated in this policy. The school district encourages, but does not require, the reporting party or complainant to use the formal report form available from the principal of each building or available from the district's Central Office.

- A. In each School Building: Each building shall have two persons, one of whom shall be the building principal, and the second shall be his/her designee as the person(s) responsible for receiving oral or written complaints or reports of violations of this policy at the building level. The district's Human Rights Officers shall establish guidelines for reporting and handling certain incidents promptly and directly at the building level (e.g. some verbal student-to-student cases). The district's Human Rights Officers shall be notified immediately of all other complaints or reports of violations of this policy without prior screening or investigating at the building level. Failure to forward any report or complaint as provided herein shall result in disciplinary action. If the complaint involves either of the two persons responsible for receiving the complaint at the building level, the complaint shall be filed directly with the district's Human Rights Officers.
  
- B. District-wide: The district's Human Rights Officers are authorized to receive reports or complaints of violations of this policy directly from any individual, employee, or victim of such harassment or intimidation and also from the building reporting officers as outlined above. If the complaint involves one of the Human Rights Officers, the complaint shall be filed directly with the superintendent.

The school district shall conspicuously post in each building the names, mailing addresses and telephone numbers of the building reporting officers and the district's Human Rights Officers.

- C. The submission of a complaint or report of a violation of this policy shall not affect the individual's future employment, grades or work assignments.

The school district shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and intimidation and to take disciplinary action when the conduct has occurred.

## INVESTIGATION AND RECOMMENDATIONS

The Human Rights Officers, by authority of the school district and its Board of Education, shall immediately initiate an investigation upon receipt of a report or complaint alleging harassment or intimidation in violation of this policy. The Human Rights Officer shall notify the superintendent in writing that he/she is beginning an investigation. Such notification may exclude identifying information. If the superintendent is the subject of the complaint, the Human Rights Officers shall



notify the Board of Education. The investigation may be conducted by the Human Rights Officers, a building reporting officer or by a third party designated by the Human Rights Officers. The investigating party shall provide the superintendent and the Human Rights Officers with an interim written report on the status of the investigation within ten (10) working days of the receipt of the complaint.

If a building reporting officer is the subject of the complaint, the investigating party shall be either the Human Rights Officers or a third party designated by the Human Rights Officers.

If a Human Rights Officer is the subject of the complaint, the investigating party shall be either the other Human Rights Officer, the superintendent or a third party designated by the superintendent.

If the superintendent is the subject of the of complaint, the status report shall be submitted to the Board of Education and to the Human Rights Officers.

In determining whether the alleged conduct constitutes harassment or intimidation in violation of this policy, the school district should consider the surrounding circumstances, the nature of the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constituted harassment or intimidation requires a determination based upon all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods or documents deemed pertinent by the investigator.

In addition, the school district may take immediate steps at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged harassment or intimidation.

The investigating party shall make a final written report, which shall include a recommendation as to the validity of the complaint to the superintendent and the Human Rights Officers upon completion of the investigation, but no later than thirty (30) days from the initial receipt of the complaint. If the superintendent is the subject of the complaint, the final report shall be submitted to the Board of Education and to the Human Rights Officers.

#### **SCHOOL DISTRICT ACTION**

- A. Upon the receipt of a recommendation that the complaint is valid, the superintendent shall take appropriate action based on the results of the investigation. If the superintendent is the subject of the complaint, such action shall be taken by the Board of Education.
- B. The result of the investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the superintendent. If the superintendent is the subject of the complaint, such report shall be made by the Board of Education. The report shall document any disciplinary action taken as a result of the complaint.
- C. The district may take disciplinary action against any person found to have maliciously filed a false complaint.

### REPRISAL

The school district will discipline any individual who retaliates against any person who reports alleged harassment or intimidation in violation of this policy or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing related to a harassment or intimidation complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

### RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny or limit the right of any individual to pursue other avenues of recourse which may include filing charges with the New York State Department of Human Rights, the Equal Employment Opportunity Commission initiating civil action or seeking redress under state criminal statutes and/or federal law.

### DISCIPLINE

Any school district action taken pursuant to this policy will be consistent with requirement of applicable collective bargaining agreements, New York State law and school district policies. The school district shall take the disciplinary action it deems necessary and appropriate to end harassment or intimidation in violation of this policy and to prevent its recurrence. Such disciplinary action may include, but is not limited to, the issuance of a warning, reprimand, counseling, suspension, or discharge.

### RECOMMENDED REPORT FORM

See text which follows this policy.

### DISSEMINATION

- A. This policy shall be distributed to every employee of the district upon initial employment and at the beginning of September every year thereafter.
- B. This policy shall be distributed to every student in grades 6-12 annually and reviewed and discussed with students as determined by the Building Level Team, during the first two weeks of each September. Students who enroll in the school after the review in September shall receive a copy of the policy under their initial registration. The student's guidance counselor shall review the policy with the student at that time.
- C. This policy shall be reviewed with and explained to all students in grades K-5 in an age-appropriate fashion.
- D. A summary of the policy shall be published annually in the students' handbook and an employees' newsletter. The policy will be reviewed with parents as determined by the Building Level Team.
- E. Training and prevention programs will be provided for employees and students.



**GENERAL STATEMENT OF POLICY ON  
RESPECTING CULTURAL DIVERSITY**

The Frontier Central School District maintains a firm policy prohibiting all forms of discrimination, harassment, or intimidation based on race, color, ethnic, cultural or religious background. All persons are to be treated with respect and dignity. Harassment or intimidation on the basis of race, color, ethnic, cultural or religious background and other forms of personal harassment by any person, which create and intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_

Home Address \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date(s) of alleged incident(s) \_\_\_\_\_

Name of person you believe harassed you \_\_\_\_\_

List any witnesses that were present \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

\_\_\_\_\_ Describe the incident(s) as clearly as possible, including such things as what force, if any, was used; any verbal statements (i.e. threats, requests, demands, demeaning remarks, etc.); what, if any, physical contact was involved, etc. (Attach additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_

\_\_\_\_\_ has subjected me to harassment or intimidation in violation of the Policy on Respecting Cultural Diversity. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Received By \_\_\_\_\_ Date \_\_\_\_\_

The following is an excerpt from ADMINISTRATIVE REGULATION 5585 USE OF COPYRIGHTED MATERIALS. The portion of the regulation copied herein is applicable to students and parents as well as school personnel.

### AGREEMENT FOR USE OF ON-LINE SERVICES

Dear Parent / Guardian:

Frontier Central Schools is able to grant your student/child access to on-line information services, including the Internet. In order to do so, it is necessary for you to approve the following conditions for use:

These information services allow the user to contact computer systems across the country and around the world. The user has the ability to share information, do research projects and communicate with others; capabilities which can add a very exciting and worthwhile dimension to your student's/child's educational experiences.

Although our Internet service provider filters access, some of the systems may contain defamatory, inaccurate, abusive, racially offensive, illegal or adult-oriented material which may get through the filter.

We want to assure you that our Board of Education, Administration and Staff do not condone the use of such materials and do not permit usage of such materials in the school environment. Every reasonable effort will be made to monitor usage so that unauthorized exploration of undesirable materials will be kept to a minimum.

Any discovered instances of such unauthorized usage will result in immediate suspension of computing services for the offender. Parent notification of such suspensions will also be provided and may result in further discipline.

We would like to give your child a very powerful, electronic library resource/privilege. However, there may be some books in that electronic library that we do not think are appropriate for him/her. We will do everything reasonably possible to keep inappropriate materials out of your son's/daughter's hands. If caught with such materials, his/her electronic library resource/privilege will be suspended and you will be notified.



## AGREEMENT FOR USE OF COMPUTERS AND TECHNOLOGY

Dear Student:

Computer use policies safeguard the rights and privileges of all users. In exchange for the use of the Frontier Central Schools' Computer Systems, either at school or away from school, I understand and agree to the following:

1. It is my responsibility to avoid abusive conduct which would include, but not be limited to, the altering of system software, placing of unlawful information, computer viruses or harmful programs on or through the system in either public or private files or messages.
2. I am accountable for the use of my password. My password will not be revealed to anyone. Any problems which arise from the misuse of my file folder or my home directory are my responsibility.
3. I will not use the school's computer system to obtain, view, download, or otherwise gain access to or transmit materials that are unlawful, obscene, pornographic, abusive or otherwise objectionable.
4. I will use only software owned or approved by Frontier Central Schools on all workstations and networks.
5. I will use all computer equipment for the purpose for which it is intended. I will not tamper with terminals, associated equipment or otherwise disable the system or related equipment.
6. I will not change, copy, rename, delete, read or otherwise access files or software that I did not create, unless I have written permission from the System Administrator.
7. I will not use school computer equipment for anything other than school related work without permission from the System Administrator.

If I fail to comply with current policies, including those published in the student handbook, I will lose computing privileges and may be subject to school discipline and legal prosecution.

NOTE: It is best to do ONLY what you have been specifically permitted to do.

**AGREEMENT FOR COMPUTERS AND TECHNOLOGY USE**  
**AGREEMENT FOR ON-LINE SERVICES**

In consideration for the privilege of using the Frontier Central Schools' Computer Systems and in consideration for having access to information contained on it and accessible through it, I hereby release the Frontier Central School District's Board of Education, the Systems operator, administration and staff from any and all claims of any nature or form arising from my use, misuse or inability to use the Frontier Central Schools' computer systems.

I have read and I understand the Agreement for Use of Computers and Technology. I agree to adhere to these policies and to any changes/additions that may become necessary. I also agree to adhere to related policies published in the Student Handbook.

I further understand that failure to comply with these policies will result in loss of my computing privileges and may result in legal charges being made against me.

Please print or type the following information:

Student name \_\_\_\_\_

Residence \_\_\_\_\_

Telephone number \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Residence \_\_\_\_\_

Telephone number \_\_\_\_\_

PARENT/GUARDIAN:

IN ADDITION, I HAVE READ AND UNDERSTAND THE AGREEMENT FOR ON-LINE SERVICES.

YOU (MAY) \_\_\_\_\_ (MAY NOT) \_\_\_\_\_ GIVE MY CHILD ACCESS TO ON-LINE SERVICES.

\_\_\_\_\_  
Signature of Student/User

\_\_\_\_\_  
Signature of Parent/Guardian



**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**

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**POLICY STATEMENT:** The New York State Education Law requires that all pupils be in attendance each day that school is in session. The Frontier Central Board of Education, "Board", directs the District Attendance Committee to establish attendance procedures for elementary and secondary students in accordance with the law. The committee may include representation from the Board of Education, administrators, teachers, students, parents and the community.

**Statement of Overall Objectives**

School attendance is both a right and a responsibility. Understanding that powerful learning results from direct experience, the Frontier Central School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the Frontier Central School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the Frontier Central School District will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) Obtain outcomes set forth by District policy and NYS Board of Regents regarding student achievement and performance;
- c) To ensure that all students are accounted for throughout the school day;
- d) To verify that individual students are complying with education laws relating to compulsory attendance;
- e) To identify attendance patterns in order to implement intervention strategies;
- f) To determine the District's average daily attendance for State aid purposes.

**Description of Strategies to Meet Objectives**

The District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance and academic success.
- b) Maintain an accurate record of attendance, absence, tardiness or early departure of each student.

- c) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- d) Develop early intervention strategies to improve school attendance with the goal of ensuring academic success for all students.

### **Determination of Excused and Unexcused Absences, Tardiness and Early Departures**

Based upon our District's education and community needs, values and priorities, the District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads as determined by local law enforcement, religious observance, quarantine, required court appearances, attendance at health clinics, District-approved field trips, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, baby-sitting, hair and nail appointments, obtaining a learner's permit or driver's license, oversleeping, missing District transportation, employment, preparation for social events such as the Junior Ball and Senior Prom, etc.).

A written excuse, signed by a parent, legal guardian or parent relation of a homeless child should be presented by the student when returning to school following each absence. If a written note is not submitted within 10 days it will be considered an illegal absence.

### **Student Attendance Recordkeeping/Data Collection**

The record of each student's presence, absence, tardiness and early departure shall be kept in a manner consistent with Commissioner's Regulation. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

*Commencing July 1, 2002, attendance shall be taken and recorded in accordance with the following:*

- a) For students in Pre-kindergarten through grade five (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second



time upon the student's return from lunch. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students Pre K through 12 must be recorded on a subject basis for Teacher of Record Determinations.

- b) For students in grades six through twelve (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each classroom period.
- c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from Pre-kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

\*See Appendix A for description of coding system for absences, tardiness, and early departures.

### **Student Attendance/Participation**

The District believes that the direct experience of classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. Students are expected to attend and participate in all classes.

Consequently, for each marking period a student's final grade will be based on the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

Upon returning to school following any absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding

arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

### **Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse**

A designated staff member shall make every attempt to notify by telephone the parent/guardian to a student who is absent, tardy or departs early without proper excuse.

If deemed necessary by appropriate school officials, or if requested by the parent/guardian, a school conference shall be scheduled between the parent/guardian and appropriate staff members in order to address the student's attendance. The student may also be required to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

### **Attendance Incentives**

In order to encourage student attendance, each building will develop and implement grade-appropriate strategies and programs to encourage and acknowledge good attendance. Some could include:

- a) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters in community publications;
- b) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);
- c) Acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);
- d) Annual poster/essay contest on importance of good attendance.

### **Disciplinary Sanctions**

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/guardians will be notified by designated District personnel at periodic intervals to discuss their child's absence, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/guardian.

### **Intervention Strategy Process**

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated building level personnel will pursue the following:

- a) Identify specific causes of the attendance pattern (e.g., grade level, building,



- time frame, type of unexcused absences, tardiness or early departures);
- b) In specific cases where the pattern involves an individual student, the student and parent/guardian will be contacted;
  - c) Discuss and/or implement strategies to correct the specific attendance pattern;
  - d) Recommend intervention to the Superintendent or his/her designee if it relates to change in District policy or procedure;
  - e) Implement changes, as approved by administration;
  - f) Utilize District and/or community resources to address and help remediate student's unexcused absences, tardiness or early departures;
  - g) Monitor and report short- and long-term effects of intervention.

### **Attendance Review Process**

A parent/guardian may request a building level review of his/her child's attendance record. Any concerns may be appealed to the building administration. Such disclosures will be in full accordance of the law.

### **Building Review of Attendance Records**

The Building Principal will work in conjunction with the Building Attendance Clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

### **Annual Review by the Board of Education**

The Board of Education shall annually review the Comprehensive Student Attendance Policy. If the Board feels that the policy is not meeting the needs of the students, then it shall direct the District Attendance Committee to review and revise this policy.

If an individual building within the Frontier Central School District shows a decline in attendance, then the Board may direct the individual building administration to take the necessary steps to implement strategies to improve student attendance.

### **Community Awareness**

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or guardians

at the beginning of each school year and promoting the understanding of such a policy to students and their parents/ guardians;

- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy;
- c) Providing copies of the policy to any other member of the community upon request;
- d) Including periodic reminders of the components of the District's Comprehensive Student Attendance Policy in school newsletters and publications; and
- e) Making copies of Comprehensive School Attendance Policy available on the Frontier Central School District web site at [www.frontier@wnyric.org](http://www.frontier@wnyric.org).

### **Conclusion**

The District Policy Committee recommends that upon approval of this policy, each building in the Frontier Central School District implement procedures to address the following:

- a) Consistent regulations for all students participating in interscholastic athletics and extra-curricular activities.

Education Law Sections 3024, 3025,  
3202, 3205, 3206, 3210, 3211, and 3213  
New York Code of Rules and  
Regulations (NYCRR) Sections 104.1,  
109.2 and 175.6



**SUBJECT: BULLYING: IN THE SCHOOLS**

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The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three (3) forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

**Engages in Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs or social networking sites):

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

### **Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, will report the bullying to any staff member or the Building Principal or his/her designee. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) will promptly, thoroughly and equitably investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying will follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying will be promptly and equitably investigated and will be treated as confidential and private to the extent possible within legal constraints.

### **Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.



Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

**Prohibition of Retaliatory Behavior  
(Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

**SUBJECT: DIGNITY FOR ALL STUDENTS ACT**

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The Frontier School District seeks to create an environment free of harassment, bullying and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore prohibits all forms of harassment and bullying of students by school employees or other students on school property and at school functions. The District further prohibits discrimination against students, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school sponsored activities and events that take place at locations off school property. In addition, other acts of harassment, bullying, and/or discrimination which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

**Dignity Act Coordinator**

In each of its schools, the District will designate at least one (1) employee holding such licenses and/or certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s). Each 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. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board of Education.

The District will share the name, designated school, and contact information of each Dignity Act Coordinator with all school personnel, students, and parents/persons in parental relation. Such information will be provided by:

- a) Listing such information in the Code of Conduct with updates posted on the District's website; 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, sending such information home with each student. If such information changes, parents and persons in parental relation will be notified of the changes in at least one (1) subsequent District or school mailing or other such method of distribution as soon as practicable thereafter; and
- d) Posting such information in highly visible areas of school buildings; and
- 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 will immediately be designated for an interim appointment as DAC, 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 DAC, pending return of the previous individual to the position.

### **Training and Awareness**

Each year, employees will be provided with training to promote a supportive school environment that is free from harassment, bullying and/or discrimination, and to discourage and respond to incidents of harassment, bullying, or discrimination. Such training may be provided in conjunction with existing professional development training and will be conducted consistent with guidelines approved by the Board of Education, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and/or discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

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 will be provided a complete copy of the current Code upon their employment, and an age-appropriate summary will be distributed to all students at a school assembly at the beginning of the school year.

### **Reports and Investigations of Harassment, Bullying and/or Discrimination**

Students who have been subjected to harassment, bullying, and/or discrimination, persons in parental relation whose children have been subjected to such behavior, or other students who observe or are told of such behavior, are encouraged and expected to make verbal and/or written reports to the principal, superintendent, Dignity Act Coordinator, and/or other school personnel. All District staff who are aware of harassment, bullying, and/or discrimination, are required to orally report the incident(s) within one (1) school day to the Principal, Superintendent, or his/her designee and report it in writing within two (2) school days after making an oral report.

The Principal, Superintendent, or Principal's or Superintendent's designee will lead and/or supervise the thorough investigation of all reports of harassment, bullying, and discrimination, and ensure that such investigations are completed promptly after receipt of any such reports. All investigations will be conducted in accordance with law, the District's Code of Conduct, and applicable District policy and procedure. In the event allegations involve harassment, bullying, and/or discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3421 - Non-Discrimination and Anti-Harassment in the School District, and its



implementing regulations. Where appropriate, the Dignity Act Coordinator or such other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying and/or discrimination.

In the event any such investigation reveals harassment, bullying, and/or discrimination, the District will 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 harassment, bullying, and/or discrimination was directed. Such actions will be taken consistent with applicable laws and regulations, District policies and administrative regulations, and collective bargaining agreements, as well as the District's Code of Conduct and any and all applicable guidelines approved by the Board.

The Superintendent, Principal, or his/her designee shall notify the appropriate local law enforcement agency when it is believed that any incident of harassment, bullying, and/or discrimination constitutes criminal conduct.

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. Such report shall be submitted in a manner prescribed by the District.

This District will annually report material incidents of harassment, bullying, and/or discrimination 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.

#### **Prohibition of Retaliatory Behavior**

Pursuant to Section 16 of the Educational Law, any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination 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, the Commissioner of Education, or law enforcement authorities, or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making such report, or from initiating, testifying, participating, or assisting in such proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, makes a report of harassment, bullying, or discrimination or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

#### **Publication of District Policy**

At least once during each school year, all school employees, students, and parents will be provided with a written or electronic copy of this policy, or a plain-language summary thereof, including notification of the process by which students, parents, and school employees may report harassment, bullying, and discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

#### **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including but not limited to any remedies or rights available



under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Educational Law Sections 10-18 and 801-a2801 and 3214  
8 New York Code of Rules and Regulations (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  
#3421 - Non-Discrimination & 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

Revised: 4/19/16

## Glossary of Terms

- ▶ **Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- ▶ **Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.
- ▶ **Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Sections 11[4] and 1125[3]).
- ▶ **Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.
- ▶ **Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)
- ▶ **Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional or physical wellbeing; 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 (Education Law Section 11[7].)
- ▶ **National Origin** means a person's country of birth or ancestor's country of birth.
- ▶ **Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as "White/Caucasian," "Black/African American/African-descent," "Asian," "Bi-racial," "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.



- ▶ **Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
- ▶ **Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
- ▶ **School Bus** means every motor vehicle owned 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 Section 11[1] and Vehicle and traffic Law Section 142).
- ▶ **School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).
- ▶ **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 (Education law Section 11[1]).
- ▶ **Sex** means the biological and physiological characteristics that define men and women (MALE and FEMALE denote "sex").
- ▶ **Sexual Orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual (Education law Section 11[5]).
- ▶ **Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size."

# NOTES



**BOARD OF EDUCATION**

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 Superintendent  
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 Assistant Superintendent/  
 Curriculum/Instruction  
 Myra Pinker 926-1791  
 Assistant Superintendent/  
 Personnel  
 William Thiel 926-1717  
 Director of Finance  
 Minser Bernys 926-1713  
 Director of Pupil Services  
 Danielle Kalinski 926-1713  
 Assistant Director of  
 Pupil Services  
 Richard L. Gray 926-1704  
 Director of Health, Physical Education,  
 Recreation & Athletics  
 Michael Didley 926-1701  
 Director of Facilities  
 Deborah Gromek 926-1736  
 Coordinator of Information Technology  
 Coordinator, Community Education  
 Jason Whipple 926-1702  
 School Lunch Manager  
 Timothy Blevins 926-1705  
 Supervisor of Transportation  
 Mary Kaye Clouden 926-1718  
 District Treasurer  
 Public Relations Office 926-1798  
 Community Education Office 926-1744  
 Central Registration 926-1734

**BUILDINGS/ADMINISTRATORS**

**Big Tree Elementary** 926-1740  
 4460 Bay View Road, Hamburg 14075  
 Julia Bermingham, Principal  
**Blasdell Elementary** 926-1750  
 3780 South Park Avenue, Blasdell 14219  
 Linda Dansa, Principal  
**Cloverbank Elementary** 926-1760  
 2761 Cloverbank Road, Hamburg 14075  
 Renee Kumiega, Principal  
**Pinehurst Elementary** 926-1770  
 6050 Fairway Court, Lake View 14085  
 Jennifer Makowski, Principal  
**Frontier Middle School** 926-1730  
 2751 Amsdell Road, Hamburg 14075  
 Ryan Sikorski, Principal  
 Deanne Lester, Assistant Principal  
 Bill McDonagh, Assistant Principal  
**Frontier High School** 926-1720  
 4432 Bay View Road, Hamburg 14075  
 Daniel Charland, Principal  
 Courtney Charleson-Smith,  
 Assistant Principal  
 James Helmicki, Assistant Principal  
 David Smaczniak, Assistant Principal

**PTA PRESIDENTS**

**PTA Council**  
 Jackie Jones 860-8882  
**Big Tree Elementary**  
 Laura Errington 435-5194  
**Blasdell Elementary**  
 Tracy Boggs 863-5282  
**Cloverbank Elementary**  
 Becky Chambers 475-5050  
**Pinehurst Elementary**  
 Jennifer Szustakowski 432-0373  
**Frontier Middle School**  
 Laura Errington 390-3749  
**Frontier High School**  
 Christine Wright 512-9711