**DIGNITY FOR ALL STUDNETS ACT (“DASA”)**

The intent of the Dignity for All Students Act (Dignity Act) is to provide all public school students (including charter school students) with an environment free from harassment, bullying (including cyber-bullying) and discrimination, as well as to foster civility in public schools. The Dignity Act focuses on the prevention of discriminatory behaviors, including harassment/bullying, through the promotion of educational measures meant to positively impact school culture and climate.

SBCS prohibits and will immediately investigate and respond to acts of harassment, bullying (including cyber-bullying) and discrimination against students by students and/or by school employees on school property or at a school function. Violations of DASA should be reported to school personnel as soon as possible so an investigation can occur. Should you have questions or concerns at any time, please contact our Dignity Act Coordinator, Frederick Hahn.

Under DASA, the following terms are defined as follows:

* *“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 §11[1]).
* *“School Bus”* means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
* *“School Function”* means a school-sponsored extra-curricular event or activity (Education §11[2]).
* *“Disability”* means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).
* *“Discrimination”* means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
* *“Emotional harm”* that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
* *“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 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
* *“Gender”* means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).
* *“Sexual Orientation”* means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
* *“Harassment/bullying”* means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
2. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

* *“Cyberbullying”* means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to:

* + Race, Color, Weight, National Origin, Ethnic Group, Religion, Religious Practice, Disability, Sex, Sexual Orientation, Gender (which includes a person’s actual or perceived sex, as well as gender identity and expression)

To support every student's right to learn, DASA ensures that schools work with families, communities, and law enforcement to help prevent any form of discrimination and harassment, including cyber-bullying. Under DASA, schools play an important role – working with families, communities and law enforcement – to prevent harassment, bullying and discrimination, and to support a student's right to learn. DASA enables schools in New York to extend disciplinary policies to address acts of harassment, intimidation, threats of violence, or discrimination that are communicated electronically on or off school premises where there is a foreseeable risk of substantial disruption within the school environment. SBCS will work with parents, our school counselor, and law enforcement to address and help prevent incidents of harassment, intimidation, discrimination and bullying, including cyber-bullying. Parents/guardians are advised to do the following:

* Closely monitor your child’s use of the Internet and texting devices, including I-Pods and cellular phones
* Monitor your child’s use of social networking sites like Facebook, Snapchat
* Talk with your child about safe and responsible use of the Internet and texting devices
* Explain to your child the seriousness of cyber-bullying and how to recognize it
* Discuss with your child what he or she should do if he or she is the victim of cyber-bullying
* Report incidents of cyber-bulling to school officials (provide evidence if possible)

South Buffalo Charter School will thoroughly investigate all allegations of harassment, intimidation, discrimination, and bullying, including cyber-bullying. Should allegations be found credible, disciplinary actions will be taken in the same manner as other prohibited conduct per our Code of Conduct.

**SCOPE OF CYBER-BULLYING**

DASA prohibits discrimination, including harassment/bullying/cyber-bullying of students on school property, including at school functions by any student and/or employee. DASA states that cyber-bullying may include, among other things, the use, both on and off school property, of electronic technology, including but not limited to e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, and social media websites intended to deliberately harass or threaten others.

## **ENGAGES IN CYBERBULLYING**

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 technology tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site posting (including blogs):

Cyberbullying has the effect of:

* Physically, emotionally or mentally harming a student;
* Placing a student in a reasonable fear of physical, emotional or mental harm;
* Placing a student in reasonable fear of damage to or loss of personal property; and
* 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.