

Non-Discrimination

Nicotra Charter welcomes all students equally, regardless of their race, color, national origin, disability status, sex, sexual orientation or religion or any other characteristic protected by local, state, or federal law. All students will be treated as individuals and different treatment based on (real or perceived) race, color, national origin, disability status, sex, sexual orientation or religion or any other characteristic protected by local, state, or federal law will not be tolerated. Anyone who feels that he or she has been treated differently on any such basis should speak with a counselor, who will apprise the Principal of all reports. Anyone who raises any concerns of discrimination on any basis will be free from retaliation for raising such a concern.

Search and seizures

For the safety of students and everyone in the Nicotra Charter community, school property that is assigned to students, including but not limited to laptops and desks, remains the property of the school. Students, therefore, have no expectation of privacy in these areas. School authorities will make an individual search of a student's bag, backpack or desk only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process. Searches will be conducted under the authorization of the Principal or his/her designee. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from students' desks, bags, backpack, and person by school authorities.

Dignity for All Students Act Policy (DASA)

Nicotra Charter is committed to providing a safe and productive learning environment in which all students are treated with respect and dignity. In accordance with New York State's Dignity for All Students Act ("DASA"), Nicotra Charter will promptly address all incidents of harassment and/or discrimination of or by any student enrolled at the school. This includes bullying, taunting or intimidation in all their myriad forms.

Policy Definitions:

“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, as defined in section 142 of the vehicle and traffic law.

“School function” means a school-sponsored extracurricular event or activity.

“Harassment” and *“bullying”* shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) 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 (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) 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. Acts of harassment and bullying shall include, but not be 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. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Cyberbullying” shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Student Rights: No student shall be subjected to harassment or bullying, including cyberbullying, by employees or students on school property or at a school function. Additionally, no student shall be subjected to discrimination based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or students on school property or at a school function.

The Nicotra Charter Code of Conduct prohibits harassment and bullying, and students who engage in such behavior will be disciplined as set forth in the Code of Conduct. Further, the School reserves the right to discipline students, consistent with our Code of Conduct, who engage in harassment or bullying of students off school property under circumstances where such off-campus conduct:

1. affects the educative process;
2. endangers the health and safety of Nicotra Charter students within the educational system; or
3. is reasonably believed to pose a danger to the health and safety of Nicotra Charter students within the educational system.

This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the School and/or which school leaders reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the school.

Dignity Act Coordinator (DAC)

Nicotra Charter has designated a staff member to serve as the Dignity Act Coordinator (“DAC”). The DAC is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The name and contact information for the DAC is posted on the school’s website under “Parent Resources” and is as follows:

Margaret Rucci mrucci@nicotracharter.org

Ivette Dempsey idempsey@nicotracharter.org
347-855-2238

The DAC is accessible to students and other employees for consultation and advice.

DASA at Nicotra Charter

Beginning with their first week of school and subsequently reinforced thereafter in the wellness curriculum, students are advised of the school’s DASA policy, reminded that bullying and harassment are violations of the Code of Conduct, and informed of how they can access the Dignity Act Coordinator (DAC).

Reporting and Investigating

All Nicotra Charter staff members are responsible for reporting harassment, bullying or discrimination of which they have been made aware to their immediate supervisor. Any student who believes that s/he is being subjected to harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination to any staff member, the DAC, or the Principal. A staff member who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the Principal not later than one school day after witnessing, or receiving a report of, such acts and shall file a written report with the Principal not later than two school days after making such oral report.

The Principal shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority (e.g. the President of ICS) and/or other official designated by the ICS Board of Trustees to investigate allegations of harassment, bullying or discrimination. When an investigation reveals any such verified harassment, bullying or discrimination, the School will take prompt actions that are reasonably calculated to: end the harassment, bullying or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with the Nicotra Charter Code of Conduct, which follows a progressive discipline model, utilizing support and interventions to respond to most behavioral infractions, including bullying and harassment, prior to imposing discipline. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that the harassment, bullying or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Material incidents of discrimination and harassment on school grounds or at a school function will be reported to the State Education Department as required by law.

The Principal shall promptly notify law enforcement authorities when the Principal believes that any harassment, bullying or discrimination constitutes criminal conduct.

No Retaliation

Nicotra Charter prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment, bullying or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and school policies and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Distribution of Policy

Nicotra Charter shall distribute a written or electronic copy of this Policy to all employees, students, and parents/guardians at least once during every school year.

Serious Violations

Each student is a unique individual with unique personal, social, and educational needs. As a result, every disciplinary situation is unique in nature. Consequences for misbehavior provide the best learning value when matched to the unique student and the unique situation. The needs of all students differ and it is expected that the Principal will, relying upon professional experience, take into account the needs of individuals as well as the overall effective functioning of the school in making judgements regarding all behavioral consequences.

We recognize that some behaviors threaten the learning environment for all students and will address these through a system of suspensions and, if necessary, expulsion.

Any disciplinary consequences will be decided in accordance with a student's individualized education program (IEP), behavior intervention plans, and/or 504 plan, if applicable. At times, it may be necessary to suspend or remove students with disabilities from the academic environment. In the event that a student is removed from school for more than 10 consecutive or cumulative days, a Manifestation Determination Review (MDR) will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, as applicable. We adhere to all applicable laws to ensure due process and the provision of mandated procedural safeguards.

First Nicotra Charter suspensions will normally be for one day. Subsequent suspensions will increase by a day if the incident is a repeated behavior. In the case of students with disabilities, the Principal will determine if a pattern of removal exists.

All violations of law will be reported to law enforcement agencies.

Progressive Infraction Levels	
Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly/Disruptive Behavior
Level 3	Aggressive or Injurious/Harmful Behavior
Level 4	Seriously Dangerous or Violent Behavior

- Consequence for first offense will continue being a Seminar, depending on the severity of the case, at Principal's discretion
- Each level will incur an individualized consequence/set of consequences based on the chart below
- Seminar is available for all levels of offense
- Multiple infractions with the same offense will result in a higher consequence at the discretion of the Principal.
- Each student's discipline record will be reviewed prior to receiving consequences and actions

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LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<ul style="list-style-type: none"> - Meeting with teacher -Parent/Guardian Conference - Seminar <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> • Violation of the Uniform Policy • Out of class, no pass • Cheating • Running in hall • Inappropriate use of cell phones / technology 	<ul style="list-style-type: none"> - Meeting with teacher -Parent/Guardian Conference -Seminar - Short term Suspension <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> • Disorderly conduct during fire drill/lockdown • Play fighting • Threatening or intimidating another person 	<ul style="list-style-type: none"> - Privilege Probation/restricted activities - Parent/Guardian Conference - Seminar - Short term Suspension <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> • Bullying – inflicting physical hurt or psychological distress on one or more students or employees; includes cyberbullying • Fighting – Participating in use of force or 	<ul style="list-style-type: none"> - Privilege Probation/restricted activities - Parent/Guardian Conference - Seminar - Short term Suspension - Long term Suspension - Expulsion <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> • Harassment-verbal or physical behavior creating a hostile, intimidating or offensive