HEMPSTEAD UNION FREE SCHOOL DISTRICT

DIGNITY FOR ALL STUDENTS ACT
(DASA)

STAFF
HANDBOOK

AUGUST 2013

A Resource and Promising Practices Guide for School Administrators & Faculty

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Adapted from the NYSED DASA taskforce

Introduction

Dignity for All Students Act (Dignity Act): The intent of the Dignity Act is to provide all public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, bullying, taunting or intimidation, as well as to foster civility in public schools.

The Dignity Act explicitly provides that no student must be subjected to discrimination and/or harassment by employees and/or students on school property or at a school function based on his or her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. www.regents.nysed.gov/meetings/2011Meetings/June2011/611p12d4.pdf

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Section I Dignity Act Basics

1. What is the Dignity for All Students Act?

The Dignity for All Students Act (Dignity Act) was signed into law by Governor David A. Paterson on September 13, 2010. This legislation amended New York State Education Law by creating a new Article 2 – Dignity for All Students. The intent of the Dignity Act is to provide all public school students with an environment free from discrimination and harassment, including bullying, taunting or intimidation, as well as to foster civility in public schools.

As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability,, sexual orientation, gender (including gender identity or expression), and sex.

The Dignity Act further amended Education Law §2801 to require school districts and boards of cooperative educational services (BOCES) to include in their codes of conduct language that complies with Article 2. Charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h), or, if applicable, in their codes of conduct, language that complies with Article 2.

2. When does the Dignity Act take effect?

The Dignity Act takes effect on July 1, 2012.

3. How does the Dignity Act relate to the teacher annual professional performance review (APPR) process?

As part of a teacher's annual professional performance review (APPR), all teaching standards must be assessed at least once a year. One of these teaching standards is New York State Teaching Standard #4 (Standard #4): The Learning Environment, which addresses the critical importance of creating a respectful, safe and supportive environment; creating an intellectually stimulating environment; managing the learning environment; and organizing and utilizing available resources. These tenets are also key to the effective implementation of the Dignity Act.

Performance indicators associated with Standard #4 include, but are not limited to,

- Teachers are caring and respectful in their interactions with students.
- Teachers embrace student diversity as an asset in the classroom.
- Students exhibit respectful classroom interactions.
- Teachers know and implement policies and procedures to ensure student safety. http://engageny.org/resource/new-york-state-teaching-standards

4. How does the Dignity Act relate to the Interstate School Leaders Licensure Consortium (ISLLC) Standards for School Leaders and effective principal practice?

The six ISLLC Standards include:

I. Setting a widely shared vision for learning;
II. Developing a school culture and instructional program conducive to student learning and staff professional growth;
III. Ensuring effective management of the organization, operation, and resources for a safe, efficient, and effective learning environment;
IV. Collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources;
V. Acting with integrity, fairness, and in an ethical manner; and
VI. Understanding, responding to, and influencing the political, social, legal, and cultural contexts.

These ISLLC standards are also key to the implementation of the Dignity Act's intent to provide all public elementary and secondary school students with a safe and supportive learning environment free from discrimination, harassment, bullying, taunting or intimidation and fostering civility in public schools.
http://engageny.org/wp-content/uploads/2012/02/ISLLC-Standards_2008.pdf

5. What kind of conduct or behavior is prohibited by the Dignity Act?

The Dignity Act prohibits harassment against students by students and/or employees on school property, as defined by Education Law §11(1), or at a school function, as defined by Education Law §11(2). For purposes of the Dignity Act, 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 educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student

to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, 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 (defined to include gender identity or expression) or sex.

The Dignity Act further prohibits discrimination against students by students and/or employees on school property or at a school function based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), or sex.

However, the Dignity Act does not prohibit the denial of admission into, or exclusion from, a course of instruction based on a person's gender (including gender identity or expression) that would be permissible under Education Law §§2854(2)(a) and 3201-a and Title IX of the Education Amendments of 1972 (20 USC §1681, et. seq.), or prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

The Dignity Act also creates a framework for promoting a more positive school climate through, among other things, training/professional development and classroom curricula.

6. Who is protected under the Dignity Act?

The Dignity Act protects all New York State public school students from discrimination and harassment by students and/or employees on school property or at a school function, not just students who are the subject of discrimination or harassment based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

7. Does the Dignity Act apply to Summer School?

Yes. The Dignity Act applies to Summer School and prohibits the discrimination and harassment of students by students and/or employees on school property or at a school function.

8. What is the relationship between bullying and harassment?

Bullying is a form of harassment.

9. What are the differences between sex, gender, gender identity and expression, and sexual orientation?

Although sex is not specifically defined in the Dignity Act, the World Health Organization has stated that sex refers to the biological and physiological characteristics that define men and women. (5)

The Dignity Act defines gender as a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]). Also, it should be noted, for reference purposes only, that the World Health Organization refers to gender as socially constructed roles,

behaviors, activities, and attributes that a given society considers appropriate for men and women. (6)

Gender identity and expression are not specifically defined in the Dignity Act. However, gender identity and expression has been described by the Empire State Pride Agenda as the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns. (7)

The Dignity Act defines sexual orientation as a person's actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]). It should further be noted, for reference purposes only, that the Empire State Pride Agenda refers to sexual orientation as one's romantic and sexual attraction. Gender expression is not in itself any indicator of sexual orientation. Moreover, according to the Empire State Pride Agenda, just like everyone else, gender non-conforming and transgender people may be straight, lesbian, gay, bisexual or asexual. (8)

10. Does the Dignity Act address issues related to cyberbullying and/or conduct that occurs off school property?

The Dignity Act prohibits discrimination and harassment of students on school property, including at school functions, by any student and/or employee. However, harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

Although the Dignity Act does not specifically address cyberbullying, it, like bullying is considered a form of harassment.

For further information, please refer to the Department's Guidance on Bullying and Cyberbullying, at:
www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

Districts, BOCES and charter schools, in consultation with their attorneys, can also consider non-punitive options when addressing problematic off-campus behavior. Additionally, districts, BOCES and charter schools should not fail to prevent or address in-school harassment simply because the involved students are also experiencing harassment outside of school.

11. How does the Dignity Act relate to federal Civil Rights Laws?

From a practical standpoint, in addition to the Dignity Act requirements, districts, BOCES and charter schools should consult with their attorneys to ensure that they are in compliance with federal civil rights laws and regulations enforced by the U.S. Department of Education Office for Civil Rights (OCR), including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, both of which prohibit discrimination on the basis of disability. Although the intent of these federal civil rights statutes and the Dignity Act are related to each other in some ways, their requirements and definitions are separate and distinct from one another. Thus, the Department recommends that districts and BOCES, as well as charter schools, consult with their attorneys in developing their policies to make sure that they align with both state and federal laws and regulatory requirements regarding discrimination and harassment.

The Department further recommends that districts, BOCES and charter schools review federal guidance on discrimination and harassment, including, but not limited to OCR's Dear Colleague Letter regarding harassment and bullying (October 26, 2010), which can be found at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html

12. What types of schools must comply with the Dignity Act?

Title I, Article 2 of the Education Law (the Dignity Act) applies to districts, BOCES and charter schools. As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability,, sexual orientation, gender (including gender identity or expression), and sex.

Section II Board of Education, Trustees or Sole Trustee Dignity Act Responsibilities

1. What are the Board of Education's, Trustees' or Sole Trustee's of every school district responsibilities to ensure compliance with the Dignity Act?

Dignity Act Code of Conduct Requirements - Education Law §12(2), requires the board of education and the trustee or sole trustee of every school district to include an age-appropriate version, written in plain-language, of Education Law §12(1)'s policy prohibiting the discrimination and harassment of students by students and/or employees on school property or at a school function in the codes of conduct they adopt, as well in the codes of conduct summary that they are required to prepare, pursuant to Education Law §2801. Also, as stated above, the Dignity Act amended Education Law §2801 to require all codes of conduct to include provisions to comply with the Dignity Act requirements contained in Title I, Article 2 of the Education Law (see Education Law §2801[2][n]).

Charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h), or, if applicable, in their codes of conduct, language that complies with Article 2.

Guidance for updating codes of conduct to comply with the Dignity Act requirements can be found at: http://www.p12.nysed.gov/dignityact/documents/DASACodeofConductFinal44-1.pdf

Dignity Act Employee Training and Dignity Act Coordinator Requirements In addition to the aforementioned code of conduct requirements, under Education Law §13, the board of education and the trustee or sole trustee of every school district must create policies and guidelines that include, but are not limited to:

a. Policies intended to create a school environment that is free from harassment and discrimination.
b. Guidelines to be used in school training programs to discourage the development of discrimination or harassment and that are designed to: (i) raise the awareness of and sensitivity of employees to potential discrimination or harassment; and (ii) enable employees to prevent and respond to discrimination.
c. Guidelines relating to the development of nondiscriminatory instructional and counseling methods.

Additionally, Commissioner's Regulation 100.2(jj) requires that boards of education and the trustee or sole trustee of every school district approve the designation of at least one staff member at every school as a Dignity Act Coordinator (DAC), and that the DAC 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 (including gender identity or expression), and sex. It should be noted that the Dignity Act does not require or prescribe a specific format for this training. Districts, BOCES, and charter schools have flexibility in determining how best to deliver it.

2. Are there ongoing responsibilities for boards of education (BOE) after the initial implementation of the Dignity Act?

Yes, the BOE is responsible for the annual review of the code of conduct, and therefore is ultimately responsible for the implementation of the Dignity Act. In addition, as part of its responsibilities, the BOE is responsible for approving the district's professional development plan. The Board should insure that the training requirements under the Dignity Act are either included in that plan, or addressed through some other mechanism.

School Administrator Responsibilities

1. What is the primary role of the school administrator to ensure compliance with the Dignity Act?

As the leader in the school, the administrator should perform a proactive leadership role in implementing adopted district, BOCES or charter school policies and guidelines. This should include, but not be limited to creating and maintaining a visible presence in the school, as well as actively participating in Dignity Act training and outreach programs.
The school administrator should also work as a partner with his or her school's Dignity Act Coordinator to promote a safe and supportive school, including a positive school climate.

Section III RESTORATIVE APPROACHES

The Dignity Act's underlying premise is that preventive and non-punitive intervention, in response to incidents of discrimination and/or harassment, is the best way to achieve school environments free from harassment and discrimination. Schools are therefore encouraged to use a wide range of intervention measures to address discrimination and/or harassment, including, restorative practices, conflict resolution, peer-mediation, and counseling, rather than over-relying on exclusionary methods of discipline, such as suspension.

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. It has been in particular the experience of the New York City Department of Education that restorative approaches can help schools prevent or deal with conflict before it escalates; build relationships and empower community members to take responsibility for the well being of others; increase the social skills of those who have harmed others; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; provide wrong doers with opportunities to be accountable to those they have harmed; and enable them to repair the harm to the extent possible.

> Taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how will those engaged in the misbehavior be punished, the restorative approach asks four key questions:
>
> - What happened?
> - Who was harmed or affected by the behavior?
> - What needs to be done to make things right?
> - How can people behave differently in the future?

Restorative practices may include:

- **Circle Process:** Circles may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. A circle can be used in response to a particular issue that affects the community. The circle process can enable a group to get to know one another, build relationships, establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc. Circles can be effective as both a prevention and intervention strategy.
- **Restorative Enquiry/Restorative Discussion:** Uses active listening and other conflict resolution communication skills. Using a collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution.
- **Victim/Wrongdoer Mediation:** when an individual acknowledges s/he has harmed another person and both the person who engaged in the behavior that harmed **and** the person who was harmed agree to see how the incident(s) can be put right by working with an impartial, third party mediator who has received **specific training** in victim/wrongdoer mediation. Regardless of the circumstances, the mental and physical health, safety and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting and should not be used when the wrongdoer (individual who has caused harm) may intimidate or coerce or attempt to intimidate or coerce the person who has been harmed.
- **Formal Restorative Conference:** A circle process in which individuals who have acknowledged causing harm are brought together with those who have been harmed. A formal restorative conference is facilitated by an individual who has received **specific training** in the process. In addition to the individuals who have been directly involved, both sides may bring supporters who have also been affected by the incident to the circle. The purpose of the conference is for both the harm doer and the harmed to understand each other's perspective and come to a mutual agreement, which will repair the harm as much as it is able to be repaired. Regardless of the circumstances, the mental and physical health, safety and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting.

Section IV The School Dignity Act Coordinator

1. Are districts, BOCES and charter schools required to have a staff member, in each of their schools, trained to handle human relations in the areas specified by the Dignity Act?

Yes. The Dignity Act requires that at least one staff member at every public school 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 (including gender

identity or expression) (which includes actual or perceived sex and a person's gender (including gender identity or expression), and sex. As stated above, this staff member should be referred to as the Dignity Act Coordinator.

2. What characteristics are recommended for the individual who serves as the school Dignity Act Coordinator?

It is recommended that the employee designated as the Dignity Act Coordinator be an individual who is respected by the school community and whose recommendations and counsel will be valued and heeded by all stakeholders. It is equally important that the individual is someone with whom both students and colleagues feel comfortable speaking regarding the serious and often difficult issues of discrimination and harassment.

3. Do districts, BOCES and charter schools need to hire new employees to serve as Dignity Act Coordinators in their respective schools?

No. There is no requirement that districts, BOCES or charter schools hire new employees to serve as Dignity Act Coordinators in their respective schools. Rather, it is expected that an existing staff member in every school will be designated as a Dignity Act Coordinator and receive the required training to serve in this position.

4. What are the duties of the Dignity Act Coordinator?

The Dignity Act Coordinator is the point person for the Dignity Act in their school. The work of the Dignity Act Coordinator should focus on the premise that no student be harassed or discriminated against due to their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

In addition, the Dignity Act Coordinator should work to ensure that all students are provided with a safe, supportive, and positive school climate. The New York State Board of Regents adopted the voluntary Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State in July 2011 (www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf).

The principal intent in issuing Social and Emotional Development and Learning (SEDL) Guidelines was to "offer school districts compelling information, example and evidence of SEDL in elementary and secondary school education programs. This guidance document aims to give New York State school communities a rationale and the confidence to address child and adolescent affective development as well as cognitive development. By attending to the students' social-emotional brain development and creating conditions where school environments are calmer and safer, teachers can teach more effectively, students learn better, and parents and community can feel pride in a shared enterprise."

5. Does the Dignity Act provide any protection for people who report incidents of discrimination or harassment?

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by a student and/or an employee, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or information proceedings, will have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Districts, BOCES and charter schools and their respective employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings (Education Law §16).

6. Does the Dignity Act apply to an employee who feels he or she has been subjected to discrimination or harassment?

The Dignity Act does not address the discrimination or harassment of employees; it addresses the discrimination and harassment of students by students and/or employees on school property or at a school function.

Section V Responses to Harassment, Discrimination and Bullying

1. What are some of the possible effects of bullying?

According to the StopBullying.gov web site, "bullying can affect everyone—those who are bullied, those who bully, and those who witness bullying. Bullying is linked to many negative outcomes including impacts on mental health, substance use, and suicide. It is important to talk to kids to determine whether bullying—or something else—is a concern." www.stopbullying.gov/at-risk/effects/index.html

According to federal StopBullying.gov website, students who are bullied:

- May have higher risk of depression and anxiety, including the following symptoms, that may persist into adulthood:
  o Increased feelings of sadness and loneliness;
  o Changes in sleep and eating patterns; and
  o Loss of interest in activities they use to enjoy.
- May be at risk of suicide.
- May be more likely to have health complaints.
- May have decreased academic achievement and school participation.
- May be more likely to miss, skip, or drop out of school.

- May be more likely to retaliate through extremely violent measures. In 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied. http://www.stopbullying.gov/topics/effects/index.html

2. What can I do to help a student who is being harassed and bullied?

According to the federal StopBullying.gov web site, when adults respond quickly and consistently to bullying behavior they send the message that it is not acceptable. Research shows this can stop bullying behavior over time. In addition to the steps and procedures outlined in the school, district or BOCES policy and/or code, the following are suggestions for steps adults can take to address bullying on the spot and to help keep students safe.

Do:

- Intervene immediately. It is okay to get another adult to help.
- Separate the children involved.
- Make sure everyone is safe.
- Meet any immediate medical or mental health needs.
- Stay calm. Reassure the children involved, including bystanders.
- Model respectful behavior when you intervene.

Avoid these common mistakes:

- Don't ignore it. Don't think children can work it out without adult help.
- Don't immediately try to sort out the facts.
- Don't force other children to say publicly what they saw.
- Don't question the children involved in front of other children.
- Don't talk to the children involved together, only separately.
- Don't make the children involved apologize or patch up relations on the spot.

Get police help or medical attention as appropriate if:

- A weapon is involved.
- There are threats of serious physical injury.
- There are threats of hate-motivated violence, such as racism or homophobia.
- There is serious bodily harm.
- There is sexual abuse.
- Anyone is accused of an illegal act, such as robbery or extortion—using force to get money, property, or services.
- http://www.stopbullying.gov/respond/on-the-spot/index.html

3. What can I do to support students who witness harassment and bullying?

According to the federal StopBullying.gov web site, even children who are not bullied or do not bully others can be affected by bullying. Often times, when such children observe bullying, they do not know what to do to stop it. They may feel unsafe stepping in during a bullying situation or incident. The following link includes recommendations about steps children can take. www.stopbullying.gov/respond/support-kids-involved/index.html#bystanders

4. What can I do to help students who exhibit harassing or bullying behavior?

According to the federal StopBulling.gov web site:

Parents, school staff, and organizations all have a role to play to here. This includes making sure the child knows what the problem behavior is. Young people who bully must learn their behavior is inappropriate and harms others.

http://www.stopbullying.gov/respond/on-the-spot/index.html

Show children that bullying is taken seriously. Calmly tell the child that bullying will not be tolerated. Adults should model respectful behavior when addressing the problem. Work with the child to understand some of the reasons he or she bullied.

For example:

Sometimes children bully to fit in. These children can benefit from participating in positive activities. Involvement in sports and clubs can enable them to take leadership roles and make friends without feeling the need to bully. Other times children act out because something else— issues at home, abuse, stress—is going on in their lives. They also may have been bullied. These children may be in need of additional support, such as mental health services.

Use consequences to teach. Consequences that involve learning or building empathy can help prevent future bullying. School staff should remember to follow the guidelines in the code of conduct or disciplinary rules and procedures, in the case of charter schools that do not have codes of conduct, and other policies in developing consequences and assigning discipline. For additional information and recommendation on how help students who exhibit harassing or bullying behavior, refer to: http://www.stopbullying.gov/respond/support-kids-involved/index.html#address

Specific Dignity Act Related Incidents

1. If a student is bullied and harassed for reasons such as having an incarcerated parent, where they live, or even their physical appearance – are they protected under the Dignity Act?

Yes, as long as the student is by being subjected to bullying and harassment by other students and/or employees on school property or at a school function. The intent of the Dignity Act is to provide all public school students with an environment free from discrimination and harassment,

including bullying, taunting or intimidation, as well as to foster civility in public schools, regardless of the reason for the bullying and harassing behavior.

Section VI Student Instruction

1. Is Dignity Act related instruction required for students?

Yes. The Dignity Act amended Education Law §801-a regarding instruction in civility, citizenship and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders (including gender identities or expressions), and sexes. Thus, curricula in civility, citizenship and character education must include aforementioned expanded concepts of tolerance, respect for others and dignity.

As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction for all public school students that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability,, sexual orientation, gender (including gender identity or expression), and sex.

2. Does this mean students must attend a "Dignity Act" class?

No. The intent is that the basic themes of "tolerance," "respect for others," and "dignity" may be integrated throughout the school day, climate, and across various subject areas.

Educators may develop a variety of lessons that incorporate and support the positive nondiscriminatory principles of the Dignity Act, including fostering a safe and supportive school climate and culture. This could potentially be translated into learning activities in, class, or even an art class. Educators may want to evaluate current curricula to ensure that these themes are integrated into their classroom materials.

A voluntary internal tool is available for districts and BOCES (9) to use as they work to incorporate the Dignity Act into their lessons and the overall fabric of the school community. See: www.p12.nysed.gov/dignityact/documents/DignityActLessonPlanTemplate_1.pdf.

3. Where can I find resources for incorporating Dignity Act instruction in my classroom?

Please access resources on the Dignity Act web site at: www.p12.nysed.gov/dignityact. There are also many resources available on the Dignity Act Facebook page at: www.facebook.com/dignityact.

4. Who can I go to for support at my school?

Dignity Act Coordinators may serve as ideal resources in their respective schools. Also, please look for support on the Dignity Act web site at: www.p12.nysed.gov/dignityact.

5. Will the Department be providing guidance on how best to instruct students in these areas?

A voluntary tool is available on the Dignity Act web site at: www.p12.nysed.gov/dignityact.

Section VII Dignity Act Compliance

1. What is my school's responsibility to investigate reports of harassment or bullying?

Once an allegation or report of bullying is made, the school district or BOCES has a responsibility to take appropriate action, which includes investigation and taking necessary steps to protect those involved. All districts and BOCES must adopt and enforce a code of conduct for the maintenance of order on school property and at school functions. The code of conduct must govern the conduct of students, teachers, other school employees and visitors and must include the procedures to be followed in such situations (Education Law §2801[2] and 8 NYCRR §100.2[l][2][i]).

It should be noted that charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h) and, or, if applicable, in their codes of conduct, provisions to comply with the requirements of the Dignity Act (see also, Education Law §§10-18 and 8 NYCRR §119.6). The charter school's disciplinary rules and procedures, or, if applicable, its code of conduct must also include the procedures to be followed in such situations.

2. Whom at the school and school district should my child and/or I contact if they are the target of harassment, discrimination, or bullying?

The following outlines the suggested order in which school officials should be contacted to report such incidents. (NOTE: This may vary from district-to-district and may or may not include the school's Dignity Act Coordinator depending on local policy.)

- School principal
- School District Superintendent
- School District Board of Education

3. What if school district officials fail to respond to a student's (or parent's) report of harassment, discrimination, or bullying? What is his or her recourse?

Individuals may file an appeal with the New York State Commissioner of Education. Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school

district meeting or by school authorities may appeal to the Commissioner of Education for a review of such action. Education Law §306 allows the Commissioner of Education to remove a trustee, member of a board of education and certain other school officers for willful misconduct or neglect of duty. For more information regarding this appeal process, see: www.counsel.nysed.gov/appeals.

The Dignity Act and Family Educational Rights and Privacy Act (FERPA)

How much information can a school share with regards to the victims and perpetrators of specific incidents of harassment, discrimination or bullying?

FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Generally, schools must have written permission from the parent or eligible student (18 years or older) in order to release any information from a student's education record. FERPA does permit the disclosure of records, without consent, to the following parties or under the following conditions (see 20 USC §1232g, 34 CFR §§99.3 and 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- Directory information, and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

For more information on FERPA, see: www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

Prior to notification of any parent, guardian, or student regarding any incident of discrimination and/or harassment, school authorities must consider the issue of notification as they would any other educationally relevant decision – considering the age, health, well-being, safety and privacy of any students involved in the incident.

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(3) It should be noted, for reference purposes only, that the Empire State Pride Agenda refers to sexual orientation as one's romantic and sexual attraction. Gender expression is not in itself any indicator of sexual orientation. Moreover, according to the Empire State Pride Agenda, just like everyone else, gender non-conforming and transgender people may be straight, lesbian, gay, bisexual or asexual. www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

(4) It should be noted, for reference purposes only, that the World Health Organization refers to gender as socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. www.who.int/gender/whatisgender/en/ ⬚

(5) http://www.who.int/gender/whatisgender/en ⬚

(6) See, www.who.int/gender/whatisgender/en/ ⬚

(7) See, www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx ⬚

(8) http://www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

(9) It should be noted that, while the provisions of Education Law §§10-18 apply to charter schools, the provisions of Education Law §801-a do not, though §100.2© of the Commissioner;'s regulations has been amended to require charter schools to provide instruction that supports development of a school environment free of discrimination as required by the Dignity Act.

Section VIII CREATING AN INCLUSIVE SCHOOL COMMUNITY: SENSITIVITY TO THE EXPERIENCE OF SPECIFIC STUDENT POPULATIONS

Every student deserves to learn in a safe and supportive school. Unfortunately, experience and research has shown that some groups of students are more vulnerable to discrimination and harassment, including bullying behavior, than others. Therefore, it is vital that school staff be especially attentive regarding their welfare and safety.

Children with Special Needs

A growing body of research has demonstrated that children with special needs are at an increased risk of being bullied. Bullying Among Children and Youth with Disabilities and Special Needs, a fact sheet from the U.S. Department of Health and Human Services (www.stopbullying.gov ⬚) provides the following insights into the vulnerability of these children:

- Available information indicates that children with learning disabilities are at greater risk of being teased and physically bullied (Martlew & Hodson, 1991; Mishna, 2003; Nabuzoka & Smith, 1993; Thompson, Whitney, & Smith, 1994).
- Children with Attention Deficit Hyperactivity Disorder (ADHD) are more likely than other children to be bullied. They also are somewhat more likely than others to bully their peers (Unnever & Cornell, 2003).

- Children with medical conditions that affect their appearance (e.g., cerebral palsy, muscular dystrophy, and spina bifida) are more likely to be victimized by peers. Frequently, these children report being called names related to their disability (Dawkins, 1996).
- *Walk A Mile In Their Shoes: Bullying and the Child with Special Needs*, a report and guide compiled by www.AbilityPath.org⌐, addresses the issue of children with special needs being targets of harassing behavior. The report and guide includes the following research findings:

- Researchers have discovered that students with disabilities were more worried about school safety and being injured or harassed by peers, compared to students without a disability (Saylor & Leach, 2009).
- According to researchers Wall, Wheaton and Zuver (2009) only 10 studies have been conducted in the United States on bullying and developmental disabilities. All studies found that children with disabilities were two to three times more likely to be victims of bullying than their non-disabled peers. In addition, the researchers found that the bullying experienced by these children was more chronic in nature and was most often directly related to their disability.

Please see: www.abilitypath.org/areas-of-development/learning--schools/bullying/articles/walk-a-mile-in-their-shoes.pdf⌐

"Disability harassment" is illegal under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. According to the U.S. Department of Education, disability harassment is "intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program" (U.S. Department of Education, 2000).

Please see: http://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html⌐

Refugee and Immigrant Children

A refugee is a person who has left his or her country of nationality and is unable or unwilling to return to that country due to persecution or a well-founded fear of persecution based upon race, religion, nationality, membership in a specific social group, or political group. New York State receives refugee children every year. While most come with some family, others come alone, and all leave behind everything they have ever known. Some refugee children have experienced the ravages of war and others have suffered trauma as a result of their experiences in refugee camps.

Children who come to the United States as refugees face the challenge of adapting to a new environment while coping with the loss of home, family members, friends, belongings, and

community. Although immigrant children usually do not leave their homes under the same kinds of circumstances that compel refugees to flee their country of nationality, they share some of the same challenges faced by refugee children in adapting to a new environment, learning a new language and creating social support networks with peers and adults in a new school community.

Both refugee and immigrant children must deal with vast cultural change, and cultural misunderstandings can make them particularly vulnerable to harassment in the form of bullying. Factors such as a lack of understanding of cultural norms, different expectations for personal hygiene, peer pressure around appropriate clothing, different kinds of social boundaries, different culturally informed gestures, body language and use of personal space can make immigrant or refugee children the target of harassment.

> A Brown University New England Equity Assistance Center (NEEAC) study in a medium-sized Massachusetts school district found that twice as many middle school English Language Learners (ELLs) reported worrying about being physically bullied as compared to their non-ELL peers and 49% of ELL students reported that students make fun of others with accents as compared to 21% of non-ELL students.
>
> www.cga.ct.gov/coc/PDFs/bullying/102107_bullying_immigrants.pdf

To compound such issues, depending on the conditions in their home country, immigrant children and refugee children may be mistrustful of authority and, therefore, reluctant to report harassment or discrimination because they do not want to draw attention to themselves. Bridging Refugee Youth and Children's Services (BRYCS) provides national technical assistance to organizations serving refugee and immigrants. Its website www.brycs.org includes multiple resources that can assist educators in providing support to immigrant and refugee children.

LGBTQ Children (2)

Students who are lesbian, gay, bisexual, transgender, or questioning (LGBTQ) are often reluctant to report harassment or discrimination. Negative attitudes that some people have toward LGBT individuals in general put such youth at increased risk for experiences with violence, compared with other students (Coker, Austin, Schuster, *Annual Review of Public Health* 2010.) Such behaviors can include bullying, teasing, harassment, and physical assault. The Gay, Lesbian and Straight Education Network's (GLSEN) 2009 National School Climate Survey examined the responses of 7,261 middle and high school students.

> Key findings include:
>
> - 84.6% of LGBT students reported being verbally harassed, 40.1% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation.

- 72.4% heard homophobic remarks, such as "faggot" or "dyke," frequently or often at school.
- Over three-fifths (61.1%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (39.9%) felt unsafe because of their gender expression.
- 63.7% of LGBT students reported being verbally harassed, 27.2% reported being physically harassed and 12.5% reported being physically assaulted at school in the past year because of their gender expression.

See: www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1675-2.pdf

"Playgrounds and Prejudice: Elementary School Climate in the United States," a study published by GLSEN in January 2012 further revealed the following statistics:

- The most common forms of biased language in elementary schools, heard regularly (i.e., sometimes, often or all the time) by both students and teachers, are the use of the word "gay" in a negative way, such as "that's so gay," (students: 45%, teachers: 49%) and comments like "spaz" or "retard" (51% of students, 45% of teachers). Many also report regularly hearing students make homophobic remarks, such as "fag" or "lesbo" (students: 26%, teachers: 26%) and negative comments about race/ethnicity (students: 26%, teachers: 21%).
- Three-fourths of students (75%) report that students at their school are called names, made fun of or bullied with at least some regularity. Most commonly this is because of students' looks or body size (67%), followed by not being good at sports (37%), how well they do at schoolwork (26%), not conforming to traditional gender norms/roles (23%) or because other people think they're gay (21%).

www.glsen.org/cgi-bin/iowa/all/library/record/2832.html?state=research&type=research

Additional research published in 2011 by the National Center for Transgender Equality and the National Gay and Lesbian Task Force revealed that students "...who expressed a transgender identity or gender non-conformity while in grades K-12 reported alarming rates of harassment (78%), physical assault (35%) and sexual violence (12%); harassment was so severe that it led almost one-sixth (15%) to leave a school in K-12 settings or in higher education." The research also found that individuals "...who have been harassed and abused by teachers in K-12 settings showed dramatically worse health and other outcomes than those who did not experience such abuse. Peer harassment and abuse also had highly damaging effects."

http://transequality.org/PDFs/NTDS_Report.pdf

According to GLSEN's Harsh Realities report "Nearly nine in ten transgender students have been verbally harassed in the last year due to their gender expression (87 percent) and more than

half have also been physically assaulted (53 percent)." In addition, the report states "nearly half of transgender students report regularly skipping school because of safety concerns, clearly impacting their ability to receive an education, and nearly one in six (15 percent) of transgender and gender nonconforming students face harassment so severe that they are forced to leave school."

Finally, the U.S. Centers for Disease Control and Prevention (CDC) reported that a survey of more than 7,000 seventh and eighth grade students from a large midwestern county examined the effects of school climate and homophobic bullying on lesbian, gay, bisexual, and questioning (LGBQ) youth and found that:

- LGBQ youth were more likely than heterosexual youth to report high levels of bullying and substance use.
- Students who were questioning their sexual orientation reported more bullying, homophobic victimization, unexcused absences from school, drug use, feelings of depression, and suicidal behaviors than either heterosexual or LGBQ students.

Children in Foster Care and Children with Incarcerated Parents

While bullying can be a common problem for all students, children in foster care and children with incarcerated parents face additional stigmas that make them more susceptible to being victims or bullies at school. These children frequently miss school, which can lead to education and social problems, making them easy targets. Furthermore, they may feel humiliated for having lost contact with their parents and may worry about how their parents are doing or when they might see or talk to them again. These worries can lead to anxiety, making the child stressed and emotionally overwhelmed.

- More than 72% of incarcerated women report being parents.
- In New York, it is estimated that more than 105,000 minor children have a parent serving time in prison or jail at any one time.
- There are more than 120,000 individuals subject to probation, and nearly 42,000 on parole as of December 31, 2009.

Source: www.osborneny.org/NYCIP/ACalltoActionNYCIP.Osborne2011.pdf *A Call to Action: Safeguarding New York's Children of Incarcerated Parents A Report of the New York Initiative for Children of Incarcerated Parents* (May 2011)

Additionally, children in foster care and children with incarcerated parents may become withdrawn and experience low self-esteem. Children may be afraid of the stigmas and stereotypes that come with being a child in foster care or a child with an incarcerated parent. For example, when it is known that a child has an incarcerated parent, s/he may be blamed if another student's personal belongings go missing based on the beliefs that "the apple doesn't fall far

from the tree" and criminality is in the child's genes. Consequently, students may shy away from revealing their situation to school staff or their peers and may inevitably cope with their struggles alone.

Children in foster care and children with incarcerated parents are also more likely to become bullies. As a result of their situation, they may turn to anger, aggression, drugs and/or alcohol as an outlet. Being unable to control their emotions, they may take out their anger and frustration on fellow peers at school. According to the CDC, drug and alcohol use, high emotional distress, and high level of family disruption are risks that may lead to youth violence.

Home life can also be extremely difficult for these students. Placement in kinship foster homes, while done in order to minimize change or disruption in their families, has the possibility of making the living situation even more complicated. According to the 2011 Osborne Report, the Child Welfare League of America defines kinship caregivers as "relatives, members of a tribe or clan, godparents, step-parents, or other adults who have a kinship bond with a child." Therefore, whatever emotions the child is experiencing the kinship caregiver is probably feeling something very similar. While a kinship caregiver may also have a better understanding of what the child is going through, it may be difficult for the caregiver to separate his/her emotions from his/her interaction with the child.

In addressing the special needs of these populations, some model programs have been developed. For example, in Virginia, public schools have implemented the Milk and Cookies Children's Program, a support-based group that allows children with incarcerated parents to meet with peers in the same situation and talk amongst themselves with a trained adult. The program is designed to help the children understand their situation in order to understand how to react appropriately.

The federal McKinney-Vento Act provides specific protections to ensure educational stability for students who are homeless or in temporary housing. Both McKinney-Vento and the Dignity Act have raised awareness and sensitivity about particular issues that may impact students' education and the need to increase the educational outcomes for children that attend public schools. McKinney-Vento has had a positive effect on the educational opportunities, attendance and outcomes for students in temporary housing.

For more information on the McKinney-Vento Act, please see: http://nysteachs.org www.p12.nysed.gov/nclb/programs/homeless or call 800-388-2014.

Section IX DASA JULY 9, 2012 AMENDMENT

On July 9, 2012, shortly after DASA became effective, Governor Cuomo signed Chapter 102 of the Laws of 2012, amending DASA in several significant respects. This memorandum discusses those amendments and what steps districts must take by July 1, 2013, when the newest changes to DASA become effective.

Chapter 102 expands the DASA definition of harassment to include cyberbullying, which is defined as harassment or bullying that occurs through any form of electronic communication. Chapter 102 also amended DASA to now prohibit harassment (including cyberbullying) that "(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." The language in part (d), above is particularly significant, as it confirms that harassing actions that occur *off* school property are prohibited by DASA and should be addressed by school officials if those actions would foreseeably create a risk of substantial disruption at school, **and** it is foreseeable that the conduct might reach school property. This statutory standard of "foreseeability" is consistent with the judicial standard previously articulated by New York courts in cases where school officials have disciplined students for harassing electronic speech that originates off-campus. Where the speech would foreseeably create a risk of substantial disruption, and the speech either reached school property, or it was reasonably foreseeable that it would reach school property, New York courts have permitted districts to act to address the off-campus conduct. The new DASA rules now *require* districts to prohibit such conduct and take appropriate action to address it when it occurs. Accordingly, by July 1, 2013, districts will need to amend their policies and codes of conduct to reflect the expanded definition of harassment and prohibit the conduct described above.

The Chapter 102 amendments also require school boards to adopt some additional procedures to create a school environment free from harassment and bullying. The procedures must:

- Identify the principal, superintendent or their designee as the individual responsible for receiving harassment, bullying and discrimination reports. Note that this designee is not intended to take the place of the DASA Coordinator(s), but is in addition to those individuals appointed by the board as coordinator(s).

- Enable students and parents to make oral or written reports of harassment, bullying and discrimination to teachers, administrators and other school personnel the district deems appropriate.

- Require school employees who either witness harassment, bullying or discrimination, or receive a report of harassment, bullying or discrimination, to orally notify the principal, superintendent or their designee within one school day of such an incident and file a written report within two school days after making the oral report.

- Require the principal, superintendent or their designee to lead or supervise a thorough investigation of all reports, and to ensure that such investigations are promptly completed.

- Require the school, upon verification of harassment, to take prompt actions that are reasonably calculated to end the conduct, to create a more positive school culture and climate, to prevent a recurrence of the behavior, and to ensure the safety of the victims.

- Prohibit retaliation against anyone who, in good faith, reports or assists in the investigation of harassment incidents.

- Include a strategy to prevent harassment, discrimination, etc.

- Require the principal to regularly report to the superintendent data and trends related to harassment, bullying or discrimination.

- Require the principal, superintendent or their designee to promptly notify the local law enforcement agency if they believe that any harassment, bullying or discrimination constitutes criminal conduct.

- Include references to the Code of Conduct that are relevant to harassment.

- Require each school to provide all staff, students and parents with a written or electronic copy of the district's harassment, bullying and discrimination policies, or a plain-language summary, and the process by which they may report incidents of such conduct, at least once during each school year.

- If the district has a website, maintain current versions of the district's harassment, bullying and discrimination policies on it.

The amendments also added two new requirements with respect to the district guidelines originally required by DASA. District guidelines for school training programs must now also make school staff aware of the effects of harassment on students. Guidelines must also be developed relating to the development of measured, balanced and age-appropriate responses to incidents of harassment by students. The law requires remedies and procedures to follow a progressive model; make use of intervention, discipline and education, as appropriate under the circumstances; vary in method based on the nature of the behavior; the developmental age of the student and the student's history of inappropriate behavior; and be consistent with the district's Code of Conduct.

DASA training must also now address the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies to address exclusion, aggression and bias in educational settings. The amendments

also require the Commissioner to provide districts with guidance and materials on best practices to address cyberbullying.

Predictably, Chapter 102 requires the Commissioner to enact new regulations to implement some of the statutory changes. In particular, the legislation directs the Commissioner to require by regulation that professionals who apply for licenses or certificates on or after July 1, 2013-- including teachers, school psychologists, school counselors, school social workers, school superintendents and school administrators -- to have completed training on the social patterns of harassment, identification and mitigation of harassment, and strategies to address exclusion, bias and aggression. New regulations still to be enacted will also address the use of progressive remedies and procedures.

Finally, at the July 17-18, 2012 meeting of the Board of Regents, the Regents amended a regulation that the Regents had previously adopted concerning DASA Coordinators. The regulation as amended (8 NYCRR §100.2H) now permits districts to provide parents with the contact information for DASA Coordinator(s) by sending it home with students, as well as by mail (the only previously authorized method). This amendment is effective immediately, and gives districts greater flexibility in the method used to provide Coordinator contact information to parents and guardians.

DIGNITY FOR ALL STUDENTS ACT (DASA)

APPENDIX A

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Appendix A
Resources

· **AbilityPath.org** is a support for parents of children with special needs. *Walk A Mile In Their Shoes: Bullying and the Child with Special Needs* is a report and guide compiled to address the issue of children with special needs being targets of harassing behavior.
AbilityPath.org

· **American Federation of Teachers** (AFT) gives teachers a list of resources to make a difference in their classrooms. The website contains tips on how to identify bullies and victims, how to create a safe environment, and access to webinars discussing the 'See a Bully, Stop a Bully: Make a Difference Campaign'. http://aft.org/teachers/pubsreports/tq.htm

· **American Psychological Association** *Bullying: What Parents, Teachers Can Do to Stop It: Questions for bullying expert Susan Swearer.*
www.apa.org/news/press/releases/2010/04/bullying.aspx

· **Anti-Defamation League (ADL)** *'A Classroom of Difference'* is a program designed to address diversity issues in pre-kindergarten through 12th grade school communities. The program provides an anti-bias curriculum supplying teachers with lessons to help students explore bigotry and prejudice, examine diverse viewpoints, and take leadership roles.
http://www.adl.org/education/edu_awod/awod_classroom.asp

· **Bridging Refugee Youth and Children's Services (BRYCS)** provides national technical assistance to organizations serving refugee and immigrants. www.brycs.org

· **Bully Police** reports on legislation across the country regarding changes in bullying state laws.
http://www.bullypolice.org/

· **Bullying Statistics** provides information on harassment/violence facts and stats, prevention, and articles on the various types of bullying. http://www.bullyingstatistics.org/

· **Center for Safe and Responsible Internet Use** (CSRIU) is a guide for educators. CSRIU includes professional resources, articles, and reports regarding cyber bullying.
http://www.cyberbully.org/
· **Collaborative for Academic, Social, and Emotional Learning (CASEL)** A not-for-profit organization that works to advance the science and evidence-based practice of social and emotional learning to promote children's success in school and life through the establishment of social and emotional learning as an essential part of education.
www.Casel.org

· **Cyber Bullying Research Center** provides up-to-date information about the nature, extent, causes, and consequences of cyber bullying among adolescents. Research on cyber bullying is discussed in blogs, videos, presentations, and publications. The website also allows people to share their stories about their own experiences with cyber bullying. http://www.cyberbullying.us/

· **Cyberbullying.org** provides examples of what is considered cyber bullying, discusses prevention, and offers other resources for students, parents, and educators to learn more. http://www.cyberbullying.org/

· **CyberSmart** is a partnership between National School Board association and CyberSmart to create K-12 Student Curriculum. http://www.cybersmartcurriculum.org/cyberbullying/nsba

· **Dignity for All Students Facebook Page:** http://www.facebook.com/dignityact

· **GLSEN** seeks to develop school climates where difference is valued for the positive contribution it makes in creating a more vibrant and diverse community. http://www.glsen.org

· **Ground Spark's Respect for All Project** facilitates the development of inclusive, bias-free schools and communities by providing media resources, support and training to youth, educators, and service providers. http://groundspark.org/respect-for-all

· **Guidance on Bullying and Cyberbullying Prevention Provided by the New York State Education Department:** http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

· **International Bullying Prevention Association** (IPBA) supports research based bullying prevention principles and practices in order to achieve a safe school climate, healthy work environment, good citizenship and civic responsibility. http://www.stopbullyingworld.org/

· **i-SAFE Inc.** is a non-profit organization dedicated to educating and empowering youth (and others) to safely, responsibly and productively use Information and Communications Technologies (ICT). i-SAFE provides classroom curriculum for primary and secondary school students. www.isafe.org

· **National Association of School Psychologists** lists bullying facts for schools and parents. The article highlights many factors that cause people to become bullies and victims, along with preventative options for schools, parents, and community members. http://www.nasponline.org/resources/factsheets/bullying_fs.aspx

· **National Crime Prevention Council** provides information and resources to curb the growing problem of cyber bullying. http://www.ncpc.org/topics/cyberbullying

· **National Cyber Security Alliance's** mission is to educate and empower a digital society to use the internet safely and securely at home, work, and school, protecting the technology individuals' use, the networks they connect to and our shared digital assets. http://www.staysafeonline.org

· **National School Climate Center** is an organization that helps schools to integrate crucial social and emotional learning with academic instruction. In doing so, NSCC enhances student performance, prevents dropouts, reduces physical violence and bullying, and develops healthy and positively engaged adults. http://www.schoolclimate.org/

· **NEA bNetS@vvy**: Tools for Adults to Help Kids Connect Safely, A project of the NEA Health Information Network http://www.neahin.org/bnetsavvy/

· **NEA's Bully Free: It Starts With Me** has resources and information to put an end to bullying at your school. http://www.nea.org/home/NEABullyFreeSchools.html

· **New York State Center for School Safety**: http://www.nyscenterforschoolsafety.org

· **New York State Education Department Dignity Act Web page**: http://www.p12.nysed.gov/dignityact/

· **New York State P-12 Common Core Learning Standards for English Language Arts & Literacy and Mathematics along with the New York State Learning Standards** are found at http://www.p12.nysed.gov/ciai/cores.html.

· **NYSUT Education and Learning Trust (ELT)** workshops and courses: http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/elt.htm

· **NYSUT Social justice and Labor Center:** http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/labor.htm

· **NYSUT** web page for updates on the Dignity Act: http://www.nysut.org

· **PACER's National Bullying Prevention Center** unites, engages, and educates communities nationwide to address bullying through creative, relevant, and interactive resources. http://www.pacer.org/bullying/
· **PBS Kids** *It's My Life* put together this guide to provide the basics of dealing with bullying. http://pbskids.org/itsmylife/friends/bullies/

· **Social and Emotional Development and Learning (SEDL) Guidelines** can be found at http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf.

· **StopBullying.gov** provides information from various government agencies on how kids, teens, young adults, parents, educators and others in the community can prevent or stop bullying. http://www.stopbullying.gov/

· **Teaching Standards for Teacher Practice** can be found at http://engageny.org/resource/new-york-state-teaching-standards

· **Teaching Tolerance** is a Project of the Southern Poverty Law Center dedicated to reducing prejudice, improving intergroup relations and supporting equitable school experiences for our nation's children. http://www.tolerance.org

· **Utterly Global** creates safe school and community environments through positive character development. The website provides research-based programs for schools, bullying prevention camps, campaigns, and training for parents and staff. http://antibullyingprograms.org

· **Wired Kids Inc.** provides kid-friendly information on what cyber bullying is, why it happens, and how to prevent it. www.stopcyberbullying.org

DIGNITY FOR ALL STUDENTS ACT (DASA)

APPENDIX B

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APPENDIX B

Note - This glossary is divided into two sections. The first section contains Dignity Act statutory definitions. The second section contains definitions of Dignity Act related terms that are derived from a variety of different sources, including, but not limited to federal government agencies and international groups and/or organizations. These definitions are included here for reference purposes to further assist school districts, BOCES and charter schools in their Dignity Act implementation efforts. However, it is recommended that districts, BOCES, and charter schools consult with their attorneys regarding the implementation of the Dignity Act.

Dignity Act Statutory 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 schools; or in a school bus (Education Law §11[1] and Vehicle and Traffic Law §142).

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 (Vehicle and Traffic Law §142 and Education Law §11[1]).

School Function means a school-sponsored extra-curricular event or activity (Education Law §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[3] and Executive Law §292[21]).

Discrimination is not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission and/or access to programs, facilities and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. For reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin and sex.

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 §§11[4] and 1125[3]).

Sexual Orientation means a person's actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]). (3)

Gender means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]). (4)

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 educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, 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 §11[7]).

Dignity Act Related Terms Definitions

Bias-Related Harassment (or violence) has been described by the New York City Commission on Human Rights as conduct that is motivated by the victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability or alienage or citizenship status.

Types of bias-motivated conduct include a pattern of threatening verbal harassment or cyberbullying, the use of force, intimidation or coercion, and defacing or damaging real or personal property. www.nyc.gov/html/cchr/html/bias.html⌐

Bullying has been described by the U.S. Department of Education as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

According to the U.S. Department of Education, bullying generally involves the following characteristics:

- An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- The Intent to Cause Harm: The person bullying has a goal to cause harm.

- Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include, but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things and making mean or rude hand gestures.

http://www.stopbullying.gov/what-is-bullying/index.html ⬀

For more information, please see NYSED's Guidance on Bullying and Cyberbullying: http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf.

Cyberbullying has been described by the U.S. Department of Education as bullying that occurs through the use of electronic technology, such as cell phones, computers, and tablets. It can also involve the use of communication tools, such social media sites, text messages, chat and websites.

Examples of cyberbullying include, but are not limited to:

- Sending hurtful, rude, or mean text messages or e-mails to others.
- Spreading rumors or lies about others by text message or e-mail or posting on social networking sites.
- Creating or sharing pictures, websites, videos or social media profiles, including fake profiles that embarrass, humiliate, or make fun of others.

Cyberbullying is different from face-to-face bullying because messages, videos, pictures and/or images can, among other things, be:

- Sent 24 hours a day, 7 days a week, 365 days a year.
- Distributed quickly to a very wide audience.
- Sent anonymously.

www.stopbullying.gov/topics/cyberbullying/ ⬀

For more information, please see NYSED's Guidance on Bullying and Cyberbullying: http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf.

Ethnic Groups - According to the United Nations, some of the criteria by which ethnic groups are identified are ethnic nationality (in other words, country or area of origin as distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics. In addition, some of the terms used,

such as "race", "origin" and "tribe", have a number of different connotations.
http://unstats.un.org/unsd/demographic/sconcerns/popchar/popcharmethods.htm

Gender Identity and Expression has been described by the Empire State Pride Agenda as the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns.
www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

LGBTQ is an acronym that refers to individuals who self-identify as either lesbian, gay, bisexual, transgender, or questioning.

Material Incident of Discrimination and Harassment - The Department has proposed regulations for the Board of Regents' consideration defining what constitutes a material incident of discrimination and harassment for Dignity Act reporting purposes and to implement the reporting requirements of the Dignity Act. This proposal defines material incidents of harassment and discrimination to include:

- a single incident or a series of related incidents engaged in by a student or school employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe or pervasive nature that: (i) has or would have the effect of unreasonably interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (ii) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Material incidents of harassment and discrimination would include, but are not limited to: threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

National Origin Discrimination has been described by the U.S. Department of Justice as discrimination based upon an individual's nationality, country of birth or country of origin, or the country of origin of an individual's family or spouse. It also includes discrimination based upon a person's characteristics that are identified with a particular country or national origin, such as dress, accent, language, religion, or racial attributes.
www.justice.gov/opa/pr/2001/December/01_crt_656.htm

Race has been described by the National Center for Education Statistic as the groups to which individuals belong, identify with, or belong in the eyes of the community.
http://nces.ed.gov/ipeds/reic/definitions.asp

For reference purposes, it should be noted that the New York State Education Department (Department) reports aggregate racial and ethnic data to the U.S. Department of Education in the

following seven categories: (1) Hispanic/Latino; (2) American Indian or Alaskan Native; (3) Asian; (4) Black or African American; (5) Native Hawaiian or Other Pacific Islander; (6) White; or (7) Two or more races.

Religion may be defined, according to the United Nations, as either religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.
http://unstats.un.org/unsd/demographic/sconcerns/popchar/popcharmethods.htm#J ⬀

Religious Practice - According to the U.S. Equal Employment Opportunity Commission, religious observances or practices include attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities. Determining whether a practice is religious turns not on the nature of the activity, but on the person's motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons. Whether or not the practice is "religious" is therefore a situational, case-by-case inquiry.
www.eeoc.gov/policy/docs/religion.html#_Toc203359487 ⬀

School Climate - Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State, adopted by the New York State Board of Regents in 2011, refers to school climate as the quality and character of school life. School climate promotes or complicates meaningful student learning. Two aspects of school climate, commitment to school and positive feedback from teachers, have been shown to affect students' self-concept. School climate is also a major influence on teacher retention. www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf

Sex - The World Health Organization has stated that sex refers to the biological and physiological characteristics that define men and women. www.who.int/gender/whatisgender/en ⬀

Sexting has been described by the New York State Division of Criminal Justice Services as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email. http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm ⬀

Transgender has been described by the Empire State Pride Agenda as an umbrella term that refers to people who identify their gender differently from what is traditionally associated with the sex assigned to them at birth. This includes people who have undergone medical procedures to change their sex and those who have not.
www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

Dignity Act Acronym Guide	
ADL	Anti-Defamation League
BOCES	Board of Cooperative Educational Services
DAC	Dignity Act Coordinator
DASA	Dignity for All Students Act
DCJS	Division of Criminal Justice Services
FERPA	Family Educational Rights and Privacy Act
GLSEN	Gay, Lesbian, and Straight Education Network
LGBTQ	Lesbian, Gay, Bi-Sexual, Transgender, Questioning
NYAPT	New York Association for Pupil Transportation
NYAGRA	New York Association for Gender Rights Advocacy
NYCLU	New York Civil Liberties Union
NYSCSS	New York State Center for School Safety
NYSCOSS	New York State Council of School Superintendents
NYSED	New York State Education Department (or "the Department")
NYSPTA	New York State Parent Teacher Association
NYSSBA	New York State School Boards Association
NYSUT	New York State United Teachers
SAANYS	School Administrators Association of New York State
SAVE	Safe Schools Against Violence in Education
SEDL	Social and Emotional Development and Learning
SBGA	Superintendents of School Building and Grounds Association

DIGNITY FOR ALL STUDENTS ACT (DASA)

APPENDIX C

AUGUST 2013

<u>Integrating the Dignity Act Principles into Lesson Plans: A Sample Template</u>

This template provides <u>one possible format</u> to assist educators in developing lessons that incorporate and support the positive nondiscriminatory principles of New York State's Dignity for All Students Act (Dignity Act), including fostering a safe and supportive school climate and culture. It was also developed as an internal tool for educators to use in developing and/or re-aligning lesson plans and school/district curricula to support the Dignity Act.

The Dignity Act, which takes effect on July 1, 2012, amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

The issues addressed by the Dignity Act acknowledge the ever-present impact of students' social and emotional development on their ability to learn, and encourages the integration of Dignity Act-related content across disciplines and throughout the learning process, rather than through short-term programs or units.

Please feel free to use this template as a tool to assist your school/district in ensuring that classroom instruction and all interactions on school property integrate the intent of the Dignity Act to provide students with an environment free from discrimination and harassment.

1. **Dignity Act Principles Addressed (check any/all that apply):**

   ☐ Honesty

   ☐ Tolerance

   ☐ Personal responsibility

   ☐ Respect for others

   ☐ Observance of laws and rules

   ☐ Courtesy

   ☐ Dignity

   ☐ Other traits (please list):_____

2. **Grade Level/Subject Area:**

    ❖ **Grade Level**(check one):
    ☐ P-3
    ☐ 4-6
    ☐ 7-8
    ☐ 9-12

    ❖ **Subject Area**(please fill in):_____

3. **Title of Lesson:**

4. **Background (Please provide a brief explanation of the Dignity Act principle or issue addressed):**

5. **Relevance to Current Issues (if applicable):**

6. Related New York State (including Common Core) Learning Standards:

- ☐ Career Development and Occupational Studies
- ☐ English Language Arts & Literacy
- ☐ Family and Consumer Sciences
- ☐ Health
- ☐ Languages Other Than English
- ☐ Mathematics
- ☐ Physical Education
- ☐ Science
- ☐ Social Studies
- ☐ Technology
- ☐ The Arts (Dance, Music, Theater, Visual Arts)

7. Key Lesson Vocabulary:

8. Time Needed:

9. Materials/Technology:

10. Introduction (Hook):

11. **Objectives:**

12. **Procedures:**

13. **Student Activities/Guiding Questions:**

14. **Differentiated Instruction:**

   a. Reinforcement

   b. Extension

   c. English language learner (ELL) support

   d. Students with disabilities (SWD) support

15. **Culminating Activity/Outcomes:**

16. **Assessment:**

17. **Additional Resources for Students, Teachers, and Parents (please upload documents or provide web links):**

☐ Students

☐ Teachers

☐ Parents

For additional information related to the Dignity Act, please visit: www.p12.nysed.gov/dignityact, www.facebook.com/dignityact, or email specific questions/concerns to DASA@mail.nysed.gov.

Strategies and Activities for the Elementary School Classroom

1. **Develop students' problem-solving skills:**

   o Read a book where bullying is a key element of the story. Assign small cooperative teams to brainstorm problem-solving options, and write alternative endings to the story.

   o Ask for students' help in generating and evaluating options for resolving challenging situations.

   o Model appropriate problem-solving by 'thinking out loud' as you work through the steps to solve a problem with the class.

2. **Promote healthy relationships between children:**

   o Brainstorm with students about qualities that make a good friend, and about ways of making and keeping friends.

   o Have students create a bulletin board that displays words and/or pictures depicting friendship.

   o Encourage students to explore issues of friendship in literature. Discuss the social skills that are involved.

3. **Encourage safe reporting:**

o Place a box or a container in the classroom. Ask students to contribute (anonymously) their concerns about bullying, including ideas for making their classroom a *safe, strong and free* place. As necessary, meet privately with students about their concerns.

o Hold weekly class meetings to discuss related issues that are of general interest. *During meetings, ensure that students' confidentiality is respected at all times.*

o Demonstrate your commitment to listening to students and keeping them safe by implementing ideas generated by the class through the box or in class discussions.

4. **Build common values:**

o Develop a 'contract' to keep everyone safe in the classroom. Brainstorm ideas with students for treating each other fairly and respectfully. Involve them in discussion about these ideas. Have students and teacher(s) sign the contract and post it in a prominent place.

o Use the language in the contract when there is a problem. Encourage students to refer back to the contract to promote the ideas of fairness and respect.

o Examine various societies (Pioneers, Native Peoples, Ancient Egyptians, Aztecs, etc.) Write a report on how common values such as teamwork and respect helped them.

5. **Teach assertiveness:**

o Brainstorm with students a list of constructive ways of expressing their needs in difficult situations. Post the list in the classroom and distribute it to students.

o Develop a list of positive ways to deal with conflict. Students can add to list when they experience or witness new ways to.

- Role play the ideas the class generates or use the ideas for the 'social goal' in cooperative learning activities.

6. **Emphasize cooperation and collaboration:**

- Avoid making comments about individual student performance in front of other students (Publicly announcing scores fosters a power structure in the classroom.)

- As there are many different types of intelligences and abilities, encourage students to value the different strengths of others.

- Create a bulletin board upon which students and school staff can affix notes thanking people for kind or supportive actions.

- Ensure a balance between competitive and non-competitive games and activities. Organize groups and teams with balanced strengths and competencies. Avoid situations in which students select their own teams.

- Work with students on a community service project. Find ways to involve all students by finding their interests or competencies.

- Involve students in creating a welcoming classroom for new students. Assign a student to be a mentor to a new child for the first two weeks in the classroom. Involve all students in making posters or cards to give to a new student on her or his first day, as well as a list of all students and their favourite foods, sports, games, subjects, after-school activity, TV show, etc.

7. **Foster empathy:**

- Identify and encourage the use of a range of 'feeling words'. Post this list in the classroom and distribute to students.

- Give students creative-writing assignments in which they explore their feelings and others' feelings.

- Find opportunities to encourage empathy in discussion of current events, literature and historical or school situations. Ask students to describe the feelings of people involved, as well as their own feelings.

8. **Use humor as a positive influence:**

- Write an inoffensive joke on the board each morning before the students arrive in class.

- Discuss the differences in humor that devalues or mocks people and humor that doesn't do so. Showcase stories or books with positive humor.

PLEASE NOTE

It is important to remember, that the DASA reporting form should only be used with DASA reporting incidents. Staff should be aware of the differences between normal student conflict versus on-going incidents of bullying, harassment and other DASA related infractions.

Recognizing the difference between normal peer conflict and bullying

NORMAL PEER CONFLICT	BULLYING
Equal power or friends	Imbalance of power; not friends
Happens occasionally	Repeated negative actions
Accidental	Purposeful
Not serious	Serious with threat of physical or emotional harm
Equal emotional reaction	Strong emotional reaction from victim and little or no emotional reaction from bully
Not seeking power or attention	Seeking power control, material things
Not trying to get something	Attempt to gain material things or power
Remorse-will take responsibility	No remorse-blames victim
Effort to solve problem	No effort to solve the problem

DIGNITY FOR ALL STUDENTS ACT (DASA)

APPENDIX D

AUGUST 2013

<u>Dignity For All Students (DASA) Reporting Form</u>
Hempstead School District, Hempstead, New York

Bullying, harassment, intimidation or discrimination are serious and will not be tolerated. This is a form to report alleged bullying, harassment, intimidation or discrimination that occurred on **school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school,** in the 2013-14 school year. If you are a student victim, the parent/guardian of a student victim, a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying, harassment or intimidation, complete this form and return it to the DASA Coordinator or Principal at the student victim's school. Contact the school for additional information or assistance at any time. Bullying, harassment, intimidation or discrimination means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes,, socioeconomic status, familial status, or physical or mental ability or disability; or,
- Threatening or seriously intimidating; and,
- Occurs on school property, at a school activity or event, or on a school bus; or,
- Substantially disrupts the orderly operation of a school.

"*Electronic communication*" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer (i.e. Facebook or any other social networking sites).

Today's Date: _____   **School:** _____

Person Reporting Incident: Name _____

Telephone: _____   **Email:** _____

Check the appropriate box: _____ Student   _____ Student (witness/bystander)   _____Parent/Guardian

_____Close adult relative   _____School Staff Member

1. **Name of student victim** _____ Grade: _____

2. Name(s) of alleged offender(s) (if known) (Please print)	Age	School (if known)	Is he/she a student?

3. **On what date(s) did the incident happen?**   Month____ Day____ Year____   Month____ Day____ Year____

4. **Where did the incident happen?** *(Check all that apply)*

____On School Property   ____On a school bus   ____At a school-sponsored activity or event off school property
____ On the way to/from school

5. **Check the statement(s) that best describes what happened** *(choose all that apply):*

___ Any bullying, harassment, or intimidation that involves physical aggression

___ Getting another person to hit or harm the student

___ Teasing, name-calling, making critical remarks, or threatening, in person or by other means

___ Excluding or rejecting the student   ___ Making rude and/or threatening gestures

___ Spreading harmful rumors or gossip   ___ Intimidating (bullying), extorting, or exploiting

___ Electronic communications (specify) _____

___ Other (specify) _____

6. **What did the alleged offender(s) say or do?** *(Attach a separate sheet if necessary)*

_____

_____

_____

7. **Why did the bullying, harassment or intimidation occur?** *(Check all that apply)*

___ Verbal Bullying   ___ Physical Bullying   ___ Social / Relational Bullying

___ Cyber Bullying   ___ Hazing   ___ Harassment

___ Sexual Harassment   ___ Other _____

_____

_____

_____

8. **Did a physical injury result from this incident?** *(Indicate one of the following):*

___ No   ___ Yes, but it did not require medical attention   ___ Yes, and it required medical attention

9. **If there was a physical injury, do you think there will be permanent effects?** ___ Yes ___ No

10. **Was the student victim absent from school as a result of the incident?** ___ Yes ___ No *If yes, how many days was the student victim absent from school as a result of the incident?* _____

11. **Did a psychological injury result from this incident?** *(Indicate one of the following):*

___ No   ___ Yes, but psychological services have not been sought   ___ Yes, psychological services have been sought

12. **The reported alleged incident involved the following:** *(Check all that apply):*

___ Race   ___ Ethnic group   ___ Sexual Orientation   ___ Color   ___ Religion   ___ Gender

___ Weight   ___ Religious Practice   ___ Sex   ___ National Origin   ___ Disability   ___ None

13. **Is there any additional information you would like to provide?** _____

_____

_____

_____

_____

_____

_____   ___/___/_____

Signature   *Date*

DIGNITY FOR ALL STUDENTS ACT (DASA)

APPENDIX E

AUGUST 2013

DIRECTIONS FOR COMPLETING <u>PART 2</u> OF THE
SCHOOL SAFETY AND THE EDUCATIONAL CLIMATE
REPORTING FORM
(DASA SUMMARY FORM)
2012-13

The Dignity for All Students Act (DASA) is now part of the *School Safety and the Educational Climate* data collection process. For more information visit the SSEC web pages at:

http://www.p12.nysed.gov/irs/school_safety/school_safety_data_collection.html

Highlights in DASA Reporting for 2012-13

- The DASA Summary Form is new for 2012-13.
- Log on to the BEDS-IMF-VADIR Application through the SED Web Business Portal:
  http://portal.nysed.gov/portal/page/pref/PortalApp
- Contact SED Delegated Account System(SEDDAS) for Used IDs and passwords.
  http://www.p12.nysed.gov/seddas/seddashome.html or (518) 474-7965

DASA Form Reminders:

   Use the District DASA Form <u>only</u> to Report Incidents that are <u>NOT</u> Reported on any of the School Forms

- Do <u>NOT</u> use the district DASA form to tally the incidents from all of the schools in the district. The district form should be used to report only incidents that the district must report but that are not attributable to any school or program in the district. The district form must be completed, even if there are no incidents to report in it. (In that case, report all zeros.) <u>As always, a separate DASA form must be completed for each school in the district.</u>

Changes in DASA Reporting under Consideration for the Future:

- Due to legislative changes in the Dignity for All Students Act, DASA reporting elements will change in 2013-14. The details of these changes will be released as they are determined.

Overview

Part 2 of the New York State Education Department's summary report of School Safety and the Educational Climate (SSEC) gathers data on incidents of discrimination and harassment and uses the information to comply with State reporting requirements as required by the Dignity for All Students Act.

All public schools, boards of cooperative educational services, charter schools, and county vocational education and extension boards are required to maintain a student conduct file that include a data dictionary and should have a unique incident number and or/student number. The file should also include a description of all incidents for each school, including those not reported on the either Part 1 (VADIR) or Part 2 (DASA) of the SSEC Summary Report. Individual

incident reports are not submitted to SED, but records related to SSEC incidents must be kept until the youngest person involved in an incident reaches the age of 27, and must be made available for review upon request by SED.

Each year, school superintendents and chief school officers of charter schools are required to submit to SED a School Safety and the Educational Climate (SSEC) Summary Report for each school in the district or each charter school for the prior school year (July 1st through June 30th). The *SSEC Summary Form* includes information derived from the individual incident forms, such as tallies of incidents, offenders, and victims by type of incident, as well as other information relating to school safety and the educational climate. School superintendents and chief school officers of charter schools complete the *SSEC Summary Form* online using the web-based Basic Education Data System (BEDS), but SED also makes available a printable version of the form (which can be found here) to facilitate recordkeeping and data entry. In many cases school personnel complete the paper form and then forward it to the superintendent for review, certification, and entry of the data into the online BEDS system's *SSEC Summary Form.*

The DASA Summary Form and Data Collection Process

The DASA Summary Form is new for 2012-13. The *Glossary* and the *Q & A* documents provide guidance regarding criteria for determining whether a specific incident is reportable and, if so, in what incident category it should be reported. Please review these documents carefully to ensure you report completely and accurately.

Reminders

- **School districts must submit a separate *DASA Summary Form* in addition to their schools' *DASA Summary Forms*. THE DISTRICT'S *DASA Summary Form* CONTAINS ONLY INFORMATION ABOUT INCIDENTS THAT ARE REPORTABLE, BUT NOT ATTRIBUTABLE TO ANY SCHOOL OR BOCES OPERATING WITHIN THE DISTRICT.** An example is an assault that occurred on school transportation where the offender was a district student placed in a private school. The incident is reportable and must be attributed to the district rather than to a school. **DASA forms must still be completed for each school in the district. DO NOT USE THE DISTRICT FORM TO ADD UP THE INCIDENTS FROM THE SCHOOL FORMS.** This would result in double-counting the incidents in the district.

- **Each incident must be reported in as many categories of discrimination/harassment (columns) as may apply.** For example, if a person used racial, ethnic and sexual slurs to harass another student (all at the same time), then the incident would be reported in the following category columns:

    (a) – **Race**

    (b) – **Ethnic Group**

    (j) – **Sex**

- **Each incident must be reported in as many incident types (rows) as may apply.** For example, if an incident involving both student and staff offenders includes verbal threat but no physical contact, and that incident occurred on school grounds, it should be reported in the following incident type rows:

    1.a – **Incidents Occurring on School Property**

    2.b – **Incidents Involving Verbal Threat but No Physical Contact**

    3.c – **Incidents involving both student and employee offenders**

- Incidents must be reported only if the offender is a student or member of staff.

- Schools reporting no incidents must report zero (0) in all categories (columns) for all incident types (rows).

- Incidents must be reported regardless of whether the student/staff offender was disciplined or referred to law enforcement and regardless of whether the incident was reported in Part 1 (VADIR)

- Incidents occurring in the following locations are reportable: on school property, in or on a school bus as defined in Vehicle and Traffic Law §142, and at a school function, regardless of where the school-sponsored or school-authorized extracurricular event or activity takes place, including any event or activity that may take place in another state.

Certifying the Data and Submitting the Online Form

The online *SSEC Summary Form* has three statuses: "blank," "saved," and "submitted." When you log into the NYSED Business Application Portal and access your SSEC forms, you will see the name of each school (or district or BOCES) for which you need to complete a form along with the status of each form. "Blank" means that no data have been saved in the form; "saved" means that some data have been entered but the superintendent has not certified the data; and "submitted" means that the form is complete, it has passed all of the edit checks, and the superintendent has used his or her userID and password to log in and certify the data. **By clicking the "submit" button on the online application, the superintendent certifies that the data are complete and accurate.** Be sure to review your answers carefully before submitting your SSEC form.

After you complete your form and it is in "submitted" status, you may make additional changes, if necessary, as long as the Department's SSEC data collection process is not yet complete (at which point the forms are frozen to prevent further data changes). **If, while the forms are still open, any change is made to a "submitted" form, its status automatically reverts to "saved." In order to return to "submitted" status, the form has to pass all the edit checks again and the superintendent has to click the "submit" button again.**

To print out a copy of the data for your records, click on the printer icon next to the box showing the form's status. When printing SSEC summary form data, the page setup should be set to print in "landscape" format. More detailed instructions for printing are available in the BEDS-IMF manual.

Item-by-Item Instructions

To complete *Item 1 (Material Incidents of Discrimination and/or Harassment)*, sort the individual incident data by the Incident Types listed in the *DASA Summary Form*. Determine the number of incidents for each category of discrimination/harassment and record each in the appropriate cell of the *DASA Summary Form* matrix. For more information, including definitions of what constitutes a material incident, as well as explanations of the categories of discrimination/harassment and the types of reportable incidents can be found on the Education Department's Dignity Act website.

Item 2 (Superintendent Certification): Fill in the school contact information on the last page of the *DASA Summary Form* and send the form to the school superintendent for the superintendent's review and certification

Once the both Parts 1 and 2 have been completed (including both superintendent certifications) and have passed all the edit checks, the superintendent may submit the form by

clicking the "submit" form as described in the "Certifying the Data and Submitting the Online Form" section above.

Additional Guidance and Resources

School Safety and the Educational Climate (SSEC) Data Collection:
http://www.p12.nysed.gov/irs/school_safety/school_safety_data_collection.html

SSEC Part 1 - Violent and Disruptive Incident (VADIR) Data Collection:
http://www.p12.nysed.gov/irs/school_safety/vadir_collection.html

SSEC Part 2 - Dignity for All Students Act (DASA) Data Collection:
http://www.p12.nysed.gov/irs/school_safety/dasa_collection.html

Log On Through SED Web Business Portal:
http://portal.nysed.gov/portal/page/pref/PortalApp

BEDS Data Collection:
http://www.p12.nysed.gov/irs/beds/home.html#logon

Center for School Safety:
http://nyscenterforschoolsafety.org/DASA.html

For additional information on school safety, contact the State Education Department's Office of Student Support Services at 518-486-6090.

For additional information on SSEC data collection contact the State Education Department's Information and Reporting Services unit, at 518-474-7965.

REPORT OF INCIDENTS CONCERNING SCHOOL SAFETY AND THE EDUCATIONAL CLIMATE
July 1, 2012 through June 30, 2013

Do NOT send this paper form to SED

School Name:
BEDS Code (12 digits):

This paper form must be used only for the local gathering of data. Data represented in this form are required to be submitted to SED via the online BEDS IMF application. Your district's BEDS coordinator or superintendent will have details and protocol for entering data.

PART 2: DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT)

Report all material incidents of discrimination and/or harassment; even if they occurred in combination with other incidents reported under the VADIR categories above. If a material incident involves more than one category of discrimination and/or harassment, include all counts in all categories that apply. Category definitions are summarized in this document and detailed in the *Glossary Of Terms Used In Reporting Incidents Concerning School Safety And The Educational Climate*. For additional information on the Dignity for All Students Act (including definitions, instructions and Q&A documents), please consult the resource documents located at http://www.p12.nysed.gov/irs/school_safety/dasa_collection.html.

1. Material Incidents of Discrimination and/or Harassment:

Nature of Material Incidents of Discrimination and/or Harassment
(Duplicated counts. Incidents must be counted more than once if they involve more than one category)

Incident Types	Race (a)	Ethnic Group (b)	National Origin (c)	Color (d)	Religion (e)	Religious Practice (f)	Disability (g)	Gender (h)	Sexual Orientation (i)	Sex (j)	Weight (k)	Other (l)	Total (m)[1]
1.a Incidents occurring on school property													
1.b Incidents occurring at school-sponsored function off school grounds													
2.a Incidents involving intimidation or abuse but no verbal threat or physical contact													
2.b Incidents involving verbal threat but no physical contact													
2.c Incidents involving physical contact but no verbal threat													
2.d Incidents involving both verbal threat and physical contact													
3.a Incidents involving only student offenders													
3.b Incidents involving only employee offenders													
3.c Incidents involving both student and employee offenders													
4.a Total number of incidents[2]													

[1] For each row: $(a) + (b) + (c) + (d) + (e) + (f) + (g) + (h) + (i) + (j) + (k) + (l) = (m)$

[2] For each column: $(1.a + 1.b) = (2.a + 2.b + 2.c + 2.d) = (3.a + 3.b + 3.c) = (4.a)$

2. Superintendent Certification (Dignity Act)

I certify that the data reported here are complete and accurate to the best of my knowledge.

Superintendent Name: _____

E-mail Address: _____

Phone: _____ _____
       Area Code   Number

Fax: _____ _____
      Area Code   Number

Date: _____