

New York State Dignity For All Students Act (The Dignity Act)

An Overview of the Law

New York State Center for School Safety



**New York State Education Law - Article 2
(effective July 1, 2012)**



Let's Get Real.....



**The Dignity Act
Legislative Intent:
Provide all students
In New York
public schools an
environment free of
discrimination
and harassment.**



The background of the slide features a faint, blue-tinted image of classical architectural columns, likely from a government building, which adds a formal and legislative context to the content.

Legislative Intent

“...the Legislature intends Dignity to be primarily a preventive, rather than punitive, measure; it should therefore be implemented accordingly, with the emphasis on proactive techniques such as training and early intervention to prevent discrimination and harassment.”

Daniel O'Donnell, Member of Assembly September 7, 2010

Dignity Act Basics

- **Signed into law September 13, 2010**
- **Takes effect July 1, 2012** 
- **Addresses issues related to harassment and discrimination in schools – including amendments to codes of conduct**
- **Amended State Education Law by creating a new Article 2 – Dignity for All Students**
- **Amended Section 801-a of State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity**

The Dignity Act

- **What does it include?**
- **Link to Federal civil rights statute**
- **Why is the Dignity Act needed in NYS?**
- **Who has to do what?**
- **Where can I go for more information?**



**No student shall be
subjected to
harassment,
discrimination, or
bullying by employees
or students.**



No student shall be subjected to discrimination based on their actual or perceived:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sexual orientation
- gender identity, or
- sex



Consider the link between the NYS Dignity Act and Federal Civil Rights Laws


School districts may violate Federal civil rights statutes and U.S.E.D. regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school staff.

www.stopbullying.gov/topics/civil_violation

**U.S. Department of Education
*Office for Civil Rights***



**Dear Colleague Letter Harassment and Bullying (October 26, 2010)
Background, Summary, and Fast Facts**

- 
- Once a school knows or reasonably should know of possible student-on-student harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
 - If harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination.

www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201010.pdf

Review the October 2010 letter to schools from the U.S. Department of Education Office for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

October 26, 2010

Dear Colleague:

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools' appreciation of their important responsibility to maintain a safe learning environment for all students. I am writing to remind you, however, that some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department's Office for Civil Rights (OCR). As discussed in more detail below, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment.



www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf

Review statutes enforced by the U.S. Department of Education Office for Civil Rights

- **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.**
- **Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) of 1990, which prohibit discrimination on the basis of a disability**

Dignity Act § 11: Harassment – the creation of a hostile environment by:

- conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their safety.
- conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.



What sites and events are covered by the Dignity Act?



- The Dignity Act applies to public schools, BOCES, and charter schools.
- The Dignity Act applies to incidents on school property (in a school building, athletic playing field, playground, parking lot, school bus).
- The Dignity Act applies to public school sponsored functions (school-sponsored extra curricular events or activities).

Why is the Dignity Act needed in New York State?

- A survey conducted by **GLSEN**[®] (Gay, Lesbian, and Straight Education Network) in 2009 revealed that **more than 1/3 of LGBT students in New York State** stated that harassment, bullying, and name calling are serious problems in their schools.
- This included harassment based on a person's weight, physical appearance, and their actual **OR PERCEIVED** sexual orientation.

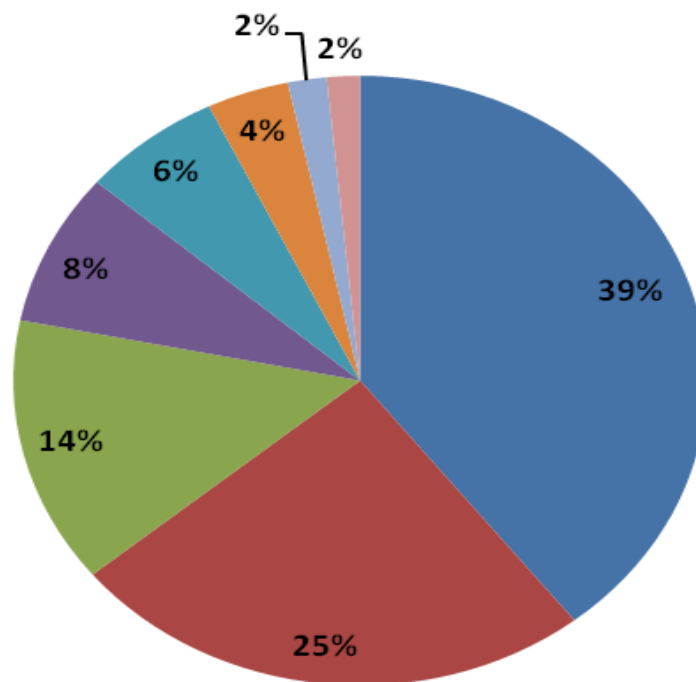
Recent Refugees to NYS of Various National Origins and Ethnic Groups

A total of 4,560 refugees resettled in NYS in FFY 2010, a 3% increase over 2009. Upstate New York resettled 4,099 refugees (90%) and NYC resettled 461 refugees (10%)

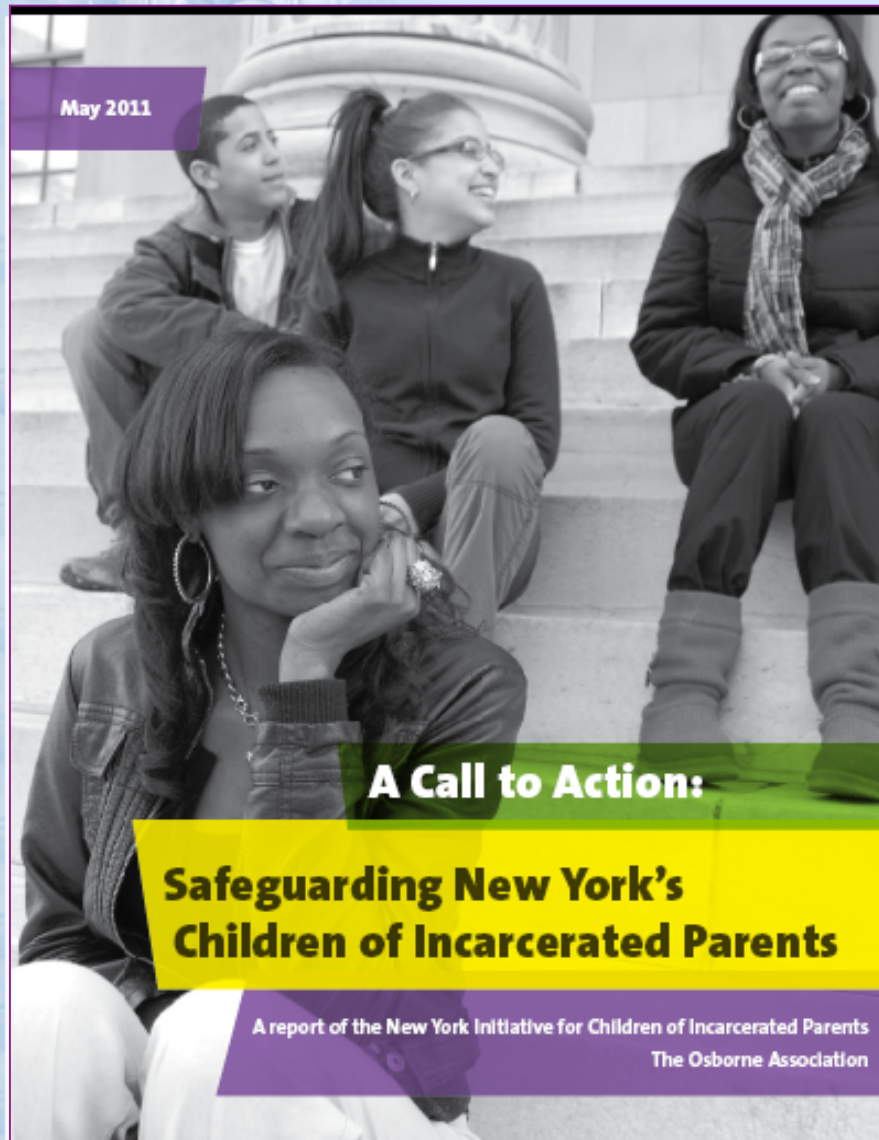
Refugee Arrivals by country of origin 10/01/09-09/30/10

Source: WRAPS Jan 2011

■ Burma ■ Bhutan ■ Iraq ■ Somalia ■ Dem. Rep of Congo ■ Eritrea ■ Cuba ■ Palestine



<http://otda.ny.gov/programs/bria/documents/population-report.pdf>



School-age children may experience problems with grade failure, suspension, and problems with their peers related to teasing and stigma.

<http://www.osborneny.org/NYCIP/ACalltoActionNYCIP.Osborne2011.pdf>

Who has to do what?

- **The Board of Regents and NYSED**
 - Provide direction for implementation
- **Local district requirements**
 - Policy
 - Code of Conduct
 - Dignity Act Coordinator and staff training
 - Student instruction
 - Reporting and response

The Board of Regents and NYSED

To prepare for the implementation of the Dignity Act **by July 1, 2012**; regulatory, policy, and procedural requirements must be developed, promulgated, and enacted by the Board of Regents, the State Education Department, and school districts.

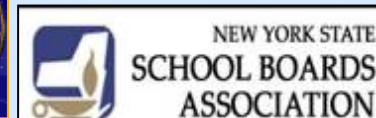
At the January 2011 meeting of the Board of Regents, staff recommended the formation of a **Dignity Act Task Force** comprised of key stakeholder groups, advocates, and Department staff to guide the implementation process.



Dignity Act Task Force



EMPIRE STATE
PRIDE AGENDA



FACING HISTORY AND OURSELVES
Helping classrooms and communities worldwide link the past to moral choices today

OCEANSIDE UNION FREE SCHOOL DISTRICT

Dignity Act Task Force Work Groups

- State Policy & Implementation
 - Co-Chairs: NYSED & NYCLU
- Local Policy & Implementation
 - Co-Chairs: NYSED & GLSEN
- Professional Development
 - Co-Chairs: NYSCSS (for NYSED) & ADL
- Curriculum & Instructional Design
 - Co-Chairs: NYSED & NYSU
- Outreach
 - Co-Chairs: NYSED & Empire Pride Agenda



How Does the Dignity Act Relate to SAVE requirements

- **The Dignity Act impacts the following SAVE requirements**
 - **Code of Conduct
CR 100.2(I)**
 - **Instruction in Civility,
Citizenship and Character
Education
CR 100.2(c)**
 - **Reporting**



How Does the Dignity Act Relate to Codes of Conduct

§ 12 Discrimination and Harassment Prohibited

No student shall be subjected to harassment by employees or students on school property or at a school sponsored function;

nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex by school employees or students on school property or at a school sponsored function.

How Does the Dignity Act Relate to Codes of Conduct

**An age-appropriate version
of the policy
written in plain-language
shall be included in the
code of conduct.**

NOTE: Codes of Conduct are to be posted on the school web site.

How Does the Dignity Act Relate to Codes of Conduct

- provisions for responding to such **acts of discrimination or harassment against students by employees or students on school property or at a school function;**
- a bill of rights and responsibilities of students **which focuses upon positive student behavior and a safe and supportive school climate,** which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis

How Does the Dignity Act Relate to School Staff

§ 13 Policies and Guidelines

Boards of Education shall create policies and guidelines that shall include, but not be limited to:

- Policies to create a school environment free from discrimination or harassment § 13(1)
- Guidelines to be used in school training programs **to raise the awareness and sensitivity** of school employees to potential discrimination or harassment § 13(2)(a)
- Guidelines to enable **employees to prevent and respond to** discrimination and harassment § 13(2)(b)



Additional Dignity Act Requirements

§ 13 Policies and Guidelines

Boards of Education shall create policies and guidelines that shall include, but not be limited to:

§13(3)

- Guidelines relating to the development of nondiscriminatory instructional and counseling methods**
- Requirement that at least one staff member (Dignity Act Coordinator) at every 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, and sex

School Employee Training

- Key goals of the proposed school employee training program are to:
 - raise the awareness and sensitivity to potential acts of discrimination and harassment directed at students that are committed by students or school employees on school property or at a school function
 - enable employees to prevent and respond to incidents of discrimination and harassment
 - raise employee's awareness and understanding of the Code of Conduct
- Training may be implemented and conducted in conjunction with existing professional development training pursuant to 100.2(dd)(2)(ii).

School Dignity Act Coordinator

- The proposed regulation states that the designation of the school **Dignity Act Coordinator** shall be approved by the board of education; or in the City of New York – the school principal; or in the case of a charter school – by the board of trustees.



School Dignity Act Coordinator

- **Engage in conversations to consider which employee(s) in the school(s) within your school district may be best suited for this position.**
- **Keep in mind that the Dignity Act addresses acts of harassment and discrimination involving student to student behavior, as well as faculty/staff to student behavior.**

The Dignity Act and Student Instruction

Education Law §801-a Instruction in Civility, Citizenship, and Character Education in Grades K-12

Tolerance, respect for others and dignity include awareness and sensitivity to discrimination or harassment and civility in relations of people of different:

- **Races**
- **Weights**
- **National origins**
- **Ethnic groups**
- **Religions**
- **Religious practices**
- **Mental or physical abilities**
- **Sexual orientations**
- **Gender identity**
- **Sexes**

The Dignity Act and Incident Reporting

§ 15 Reporting by Commissioner

The commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis.



Current State-Level Activities

- DRAFT Regulatory Amendments Under Revision
 - 8 NYCRR 100.2 (c): Instruction in Instruction In Civility, Citizenship, and Character Education
 - 8 NYCRR 100.2(I): Code of Conduct
- DRAFT Regulation in Development (NEW)
 - 8 NYCRR 100.2 (jj): Dignity Act Professional Development

Check the NYS Register for opportunities to comment on
DRAFT regulatory amendments at:

www.dos.ny.gov/info/register.htm

January 2012: Items to Regents

- **Amendment of section 100.2(c) of the Commissioner's Regulations, Relating to Instruction in Civility, Citizenship and Character Education**
- **Amendment of section 100.2(l) of the Commissioner's Regulations, Relating to Codes of Conduct**

In 45 day review period now

February 2012: Item to the Regents

- **Addition of section 100.2(jj) of the Commissioner's Regulations, Relating to School Employee Training**

In 45 day review period now

- **Pending: regulation for reporting**

How does The Dignity Act relate to safety issues in schools?

- **Expected behavior: your code of conduct**
- **Consistent enforcement with appropriate responses to violations**
- **Staff training (all staff)**
- **Reporting: disruptive activity already required to be included as part of VADIR**
- **Perpetrator or victim?**

Why is the Dignity Act needed in New York State?

- **The Dignity Act promotes civility and creates a safe nurturing environment**
- **The Dignity Act provides a response to students who are harassed and bullied at school.**



The Dignity Act: School Climate & Culture

www.p12.nysed.gov/sss/sedl

www.regents.nysed.gov/meetings/2011Meetings/July2011/711p12a6-revised.pdf

Educating the Whole Child Engaging the Whole School:

Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State

"... for voluntary implementation by school districts that incorporate social and emotional development into elementary and secondary school education programs."


Amended Education Law Section 305, subdivision 35

"... requiring the incorporation of social and emotional development standards in the development of elementary and secondary school educational guidelines."

The Children's Mental Health Act of 2006

"Reduce barriers to teaching and learning in high need schools by creating a vision and leadership framework for an integrated education, health and mental health collaboration."

Board of Regents P-16 Education Plan, 2006
Reaffirmed in NYS Race to the Top Application, 2010



Adopted by NYS Board of Regents July 18, 2011

The Dignity Act: School Climate & Culture

www.p12.nysed.gov/sss/sedl

www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf

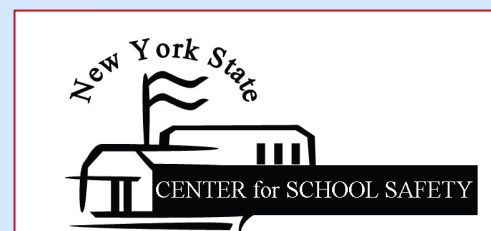
The purpose in issuing voluntary Social and Emotional Development and Learning (SEDL) Guidelines is to offer school districts compelling information, example and evidence of SEDL in elementary and secondary school education programs.



The Guidelines and accompanying resources seek to persuade school leaders, faculties, planning teams and parents that social and emotional development and learning is within reach through a range of approaches that serve as entry points and avenues for expansion.

What resources will be available to assist schools in the implementation of the Dignity Act?

- **NYSED Dignity Act Web Site**
 - Model Dignity Act Code of Conduct
 - Model Dignity Act Local Policies
 - Model Curriculum Materials
 - FAQs (students/parents and faculty/staff)
 - Dignity Act Resource Guide and Promising Practices Guide for School Administrators and Faculty
- **NYSED P-12 News and Notes Articles**
- **New York State Center for School Safety**
- **DASA@MAIL.NYSED.GOV**
- **Dignity Act Facebook Page**



Who can schools contact for assistance with the Dignity Act?

- **NYS Education Department**
 - DASA@mail.nysed.gov
 - 518-486-6090
- **NYS Center for School Safety**
 - scss@ulsterboces.org
 - 845-255-8989

R E S O U R C E G U I D E

If we could end hatred,

Imagine

what more we could do...



<http://regions.adl.org/new-york/pdfs/npfh-ny-resource-guide.pdf>

iVillage.....

iVillage