

THE DIGNITY FOR ALL STUDENTS ACT



No. 12-06

March 2012

(Updated February 2014)

What is the Dignity Act?

Overview

The New York State (NYS) *Dignity for All Students* (Dignity Act), Chapter 482 of the Laws of 2010, was signed into law on September 13, 2010, effective July 1, 2012. The Dignity Act prohibits harassment and discrimination of individuals on school property or at a school function based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

The Dignity Act amends Section 801-a of NYS Education Law

regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity. The Dignity Act further amends Section 2801 of the Education Law requiring Boards of Education and BOCES to include language addressing the legislative requirements in their codes of conduct.

Research indicates that there is a direct link between success in school and the school environment in which student learning takes place. Students are more likely to achieve their full potential in schools that have a positive school culture and an environment in which students feel safe and supported. Creating a school culture of respect is important and hard work. The goal of the Dignity Act is to promote a safe and supportive learning environment in all public schools, free from harassment and discrimination.

Background

The NYS Dignity Coalition comprised of over 120 national, state, and local organizations, including NYSUT, worked for the better part of a decade to see the Dignity Act enacted; all were involved in some way in promoting the law's enactment. More importantly, these organizations are now invested in the meaningful implementation of this legislation that will significantly bolster NYS public schools' commitments to tolerance, respect, and dignity.

The Board of Regents Dignity Act Task Force, created in January 2011, is comprised of key stakeholders in the education community and advocates, including many members of the New York State Dignity Coalition. The NYS Education Department staff continues to guide the Dignity Act Task Force, charged with conducting research and making recommendations to the Board of Regents.

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Who is Protected Under the Dignity Act?

The Dignity Act protects all public school students in NYS from harassment or discrimination by other students or adults. The definitions of harassment and discrimination in the law were not intended to be inclusive of the eleven protected classes identified in the Dignity Act. For example, although height is not specifically cited in the law, a student harassed for being tall or short would be protected. The harassment of any student is prohibited.

How Does the Dignity Act Relate to SAVE?

The Safe Schools Against Violence in Education Act of 2000 (SAVE) requires a focus on all acts of violence including, but not limited to, the impact of acts of bullying, threats, discrimination, harassment or intimidation, disruptive behavior in class, carrying of weapons, fighting, physical assaults, and other behaviors that impede learning.

The Dignity Act builds upon the SAVE Legislation by targeting discrimination and harassment in public schools. The Dignity Act impacts the following SAVE requirements:

- **Codes of Conduct - Commissioner's Regulations 100.2(l) and 119.6** - The Code of Conduct language must be amended to reflect the prohibition of discrimination and harassment of students by students or staff. The Code of Conduct applies to all public and charter school students, staff, and visitors in the school, on school property, at a school-sponsored event, or in a school vehicle. School districts and BOCES that maintain web sites are required to post their codes of conduct, and any updates and amendments on the web site. A plain language age-appropriate summary must be provided to all students. A complete Code of Conduct should be given to each teacher and parents and guardians of students are required to receive a plain language summary at the beginning of every school year.
- **Instruction in civility, citizenship and character education – Commissioner's Regulations 100.2(c):** For all public schools, required instruction will be expanded to include, but not be limited to, awareness and sensitivity to harassment and discrimination within the protected classes, identified in the legislation as those who are subjected to intimidation or abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability sexual orientation, gender or sex.
- **Reporting requirements under the Dignity Act – Commissioner's Regulations 100.2 (kk):** The Dignity Act requires the development of a system whereby schools will annually report material incidents of discrimination and harassment on school grounds or at a school function to the Commissioner of the State Education Department.
- **School employee training – Commissioner's Regulations 100.2(jj):** All school employees must receive training to promote a positive school environment that is free from discrimination and harassment; and to prevent and respond to incidents of discrimination and/or harassment on school property or at a school function. At least one employee in every school is required to be designated as a Dignity Act Coordinator and instructed in the provisions of this subdivision and thoroughly trained to handle human relations in the areas of the protected classes. The name(s) and contact information of the Dignity Act Coordinator(s) must be provided to school personnel, students, and parents or guardians.

How Does the Dignity Act Relate to Federal Law?

Federal Civil Rights Statutes Related to Schools and Harassment

A school is responsible for addressing harassment incidents about which it knows or reasonably should have known.

- Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) prohibit discrimination on the basis of disability.

The United States Department of Education Office of Civil Rights October 26, 2010 *Dear Colleague* letter, clarifies the relationship between bullying and discriminatory harassment, and reminds schools that by limiting their responses to a specific application of an anti-bullying or other disciplinary policy, they may fail to properly consider whether the student misconduct also results in discrimination in violation of students' federal civil rights.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

Does the Dignity Act Address Bullying/Cyber Bullying?

The Dignity Act defines harassment as the "creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a students' educational performance, opportunities or benefits, or mental, emotional or physical well-being..." Bullying can be considered a form of harassment. The legislation does not specifically address cyber bullying (e-communication), and there is no statutory or other legal definition of cyber bullying in NYS. Conduct that unreasonably, substantially and materially interferes with another student's education is harassment that is prohibited by the Dignity Act, regardless of the method of communication.

Bullying or other harassing behavior that occurs through e-communication using a school computer or other school-owned electronic device, using any electronic device while at school or on school property, or using any electronic device while at a school function, would be prohibited under the Dignity Act. This includes computer, cell phone, texting, or other forms of electronic communication.

If off-school behavior starts to negatively affect another student's learning in school, the issue may be covered under the Dignity Act. A school district should consult its attorney in determining how the information related to this behavior may be used and what follow-up actions may be appropriate.

What are the Board of Education Responsibilities?

The board of education, BOCES, other governing body, or the Chancellor of the New York City School District are required to develop a policy intended to create a school environment

that is free from discrimination or harassment consistent with the requirements of the Dignity Act. Each school district's policy must include guidelines for school training programs to:

- Raise the awareness and sensitivity of school employees to potential discrimination and/or harassment;
- Enable all employees to prevent and respond to discrimination and/or harassment; and

The District Policy must also describe the process on:

- development of nondiscriminatory instructional and counseling methods.
- indicate at least one staff member at every school will be designated as the Dignity Act Coordinator.

What is the Role of the Dignity Act Coordinator?

- The Coordinator must receive training in the provisions of the Dignity Act and be thoroughly trained in methods to respond to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.
- The Dignity Act Coordinator is approved by the Board of Education. A currently employed person may be identified and receive training. There is no requirement for this position to be filled by a new employee.
- The name(s) and contact information of Dignity Act Coordinator must be made available and shared with all school personnel, students and persons in parental relations.

How Does the Dignity Act Affect Instruction?

- Educators in grades K-12 will be required to teach students civility, citizenship and character education, including but not limited to, 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. See Appendix B for instructional resources.

What Else Should Teachers Consider?

Educators share commitment to fostering an environment of respect in their schools. This work is not done in isolation – it is part of a continuum. Connections should be made to the Social /Emotional Developmental Learning Guidelines, Teaching Standards for Teacher Practice and the NYS Learning Standards and the NYS P-12 Common Core Learning Standards for English Language Arts & Literacy and Mathematics.

- Focus on the development of the whole child, consistent with the Social and Emotional Development and Learning (SEDL) Guidelines. The SEDL Guidelines can serve as a foundation for success in academic learning, ensuring that students in P-12 schools are ready for college and careers.

- Create a dynamic learning environment for all students that support achievement and growth, aligned with Standard IV of the NYS Teaching Standards for Teacher Practice, the Learning Environment.
- Integrate the Dignity Act principles (these include tolerance and respect for others of different races, sizes, skin color, sexual orientation, national or ethnic origin, religions, religious practices, mental or physical abilities, genders or sexes) can be infused into the NYS P-12 Common Core Learning Standards for English Language Arts & Literacy and Mathematics and the NYS Learning Standards. Many of the standards address communication skills, problem solving, decision-making skills, citizenship, and choosing healthy behaviors, to name a few.
- Collaborate with other school personnel to formulate consistent and specific school and classroom rules against discrimination and harassment and make them visible and available to all students and staff at the beginning of the school term.
- Discuss with students and colleagues ways to encourage and support positive behaviors and the positive actions of bystanders.
- Invite experts in the field of bullying/harassment prevention, gender, cultural competency, hate crimes, etc. to work with both adults and youth at your school. Use presentations that are designed to lead to action rather than just awareness.
- Model respectful behavior.
- Use a variety of mentoring strategies to build staff connections for all students.
- Attend training and learn to recognize signs that a student may be harassed or bullied

Advice to Local Leaders

- ❑ A district's Code of Conduct is required to be amended under the Dignity Act. It must be developed in collaboration with students, teachers, administrators, parents, school safety personnel, and other school staff. Local leaders should appoint members of the collective bargaining unit who will participate in this process. Local leaders should review amended codes of conduct provisions with their respective Labor Relations Specialist. Local leaders should be aware that codes of conduct should be reviewed annually.
- ❑ Although adults are not covered by the Dignity Act, the school's code of conduct is required to govern the conduct and address issues related to acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students, and visitors on school property and at school-sponsored functions, including the appropriate range of disciplinary measures which may be imposed for violation of such code.
- ❑ All staff, volunteers and students should be informed of the Dignity Act policy and the implementation process.
- ❑ The SAVE law already requires violence prevention training and some aspects of the Dignity Act may be able to be integrated into that training. Local leaders should discuss the Dignity Act training with their superintendents.
- ❑ Local leaders should work with the administration to ensure school-wide systems are established to support students who have experienced discrimination and/or harassment and school-wide prevention and intervention programs are identified to support all students.
- ❑ Local leaders should ensure members know they are provided civil immunity for reporting behavior or conduct when they have "reasonable cause" to suspect that discrimination or harassment has occurred and they make a report to school officials. (Dignity Act §16).

Appendix A -Definition of terms from the Dignity Act Legislation

- **School Property** is defined as “in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus” (Dignity Act § 11(1)).
- **School function** is defined as “a school-sponsored extra-curricular event or activity” (Dignity Act § 11(2)).
- Executive Law §292 (21) provides the definition of the term “**disability**” as
“ (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of 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 provision of this article dealing with employment, the term shall 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.”
- "**Employee**" is defined in subdivision three of section 1125 of the Laws of NYS and “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.”
- “**Sexual orientation**” is defined to mean “actual or perceived heterosexuality, homosexuality or bisexuality” (Dignity Act § 11(5)).
- “**Gender**” is defined to mean “actual or perceived sex and shall include a person’s gender identity or expression” (Dignity Act § 11(6)).
- **Harassment** is defined as “the creation of a hostile environment by conduct or 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” (Dignity Act § 11(7)).

Appendix B – 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/pubs-reports/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