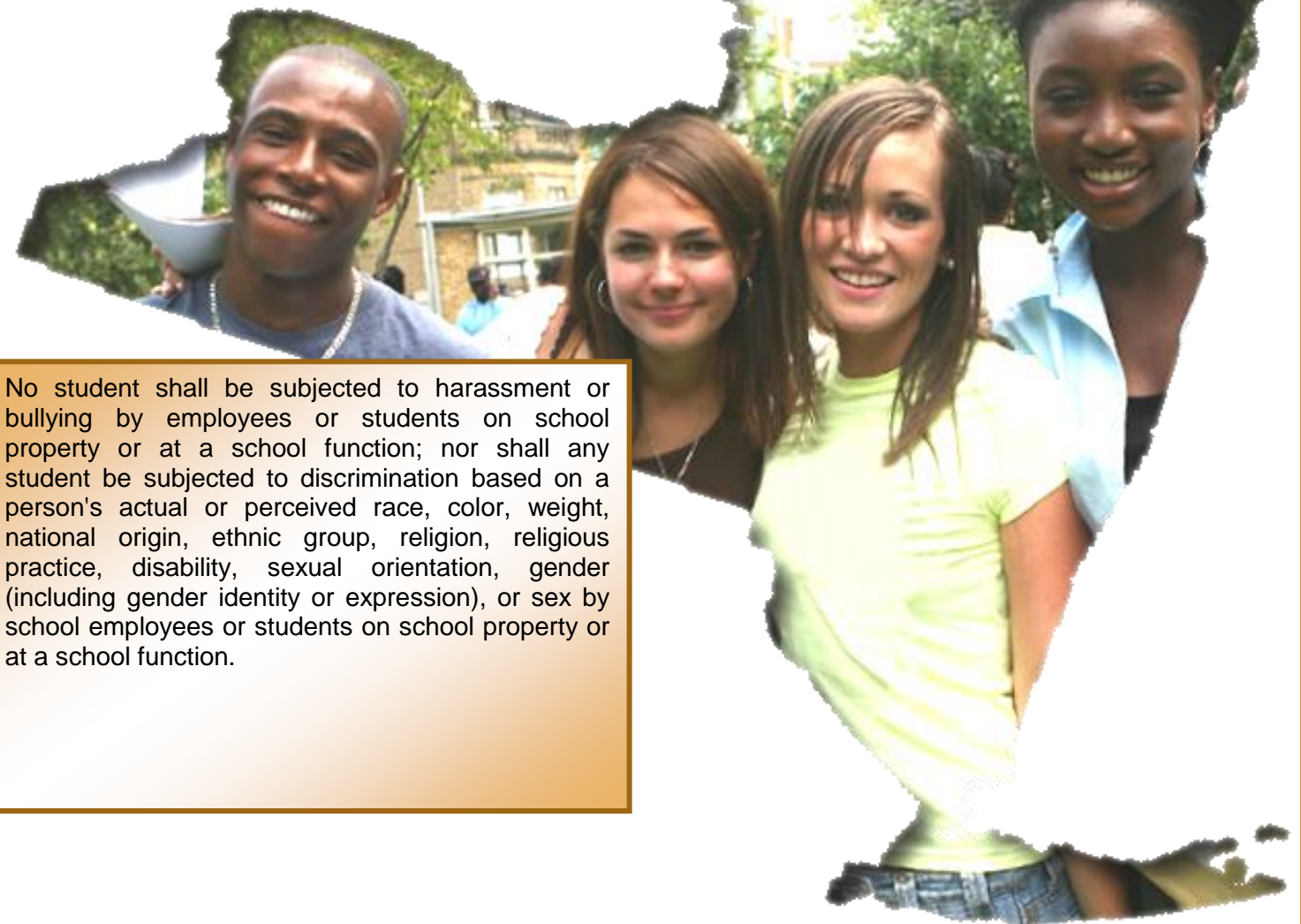


The New York State Dignity for All Students Act (Dignity Act):

A Resource and Promising Practices Guide for School Administrators & Faculty (revised 2013)



No student shall be subjected to harassment or bullying by employees or students on school property or at a school 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 (including gender identity or expression), or sex by school employees or students on school property or at a school function.

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**The New York State Education Department and the
Dignity Act Task Force do not endorse or promote
any commercial or for-profit programs.**

PREFACE

The New York State Dignity for All Students Act (Dignity Act): A Resource and Promising Practices Guide for School Administrators and Faculty was developed by the Dignity Act Task Force to assist schools in implementing the Dignity for All Students Act.

The Dignity Act added Article 2 to the Education Law (Education Law §§10 through 18). These provisions took effect on July 1, 2012. In June 2012, the Legislature enacted Chapter 102 of the Laws of 2012, which amended the Dignity Act, effective July 1, 2013, to, among other things, include cyberbullying as part of the definition of “harassment and bullying” (Education Law §11[7], [8]) and require instruction in safe, responsible use of the Internet and electronic communications (Education Law §801-a). Chapter 102 also included a requirement that school professionals applying for a certificate or license on or after July 1, 2013 complete training on the social patterns of harassment, bullying and discrimination. However, this timeframe was extended until December 31, 2013 pursuant to Chapter 90 of the Laws of 2013 (Education Law §14[5]).¹

This resource guide, originally released in 2012, has been updated to reflect these amendments to the Dignity Act. In using this guide, it is important to distinguish between legal requirements and/or recommended practices. It is also important that communications be consistent in the use of terms and concepts. An absence of such consistency can lead to misinformation and confusion which does not advance the purpose of the Dignity Act.

This resource guide includes links to web sites that contain information, resources, and tools to assist in the implementation of the Dignity Act in your school. Please evaluate each resource to determine if it is developmentally age appropriate for your school population. The State Education Department and the Dignity Act Task Force do not endorse any particular programs. The intent of this document is to provide information only. School districts, charter schools, and BOCES should consult with their school attorneys regarding specific legal questions. Analyses of examples and hypothetical situations contained herein do not represent official determination(s) or interpretation(s) by the Department. Scenarios described in this Guide may be the subject of an appeal to the Commissioner of Education under section 310 of the Education Law; as a result, the information contained herein is advisory only and does not necessarily represent the official legal interpretation of the State Education Department.

The Dignity Act states that it is the policy of the State of New York to afford all students in public schools an environment free of discrimination and harassment (Education Law §10). Educators are encouraged to incorporate into core subject areas the principles embodied by the Dignity Act: that no student shall be subject to harassment or bullying by employees or students on school property or at a school 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 (including gender identity or expression), or sex.

¹ Detailed information on New York State’s requirements for certification as a teacher or other educational professional may be found on the Office of Teaching Initiatives web site at: <http://www.highered.nysed.gov/tcert>.

To promote civility in public schools, and to prevent and prohibit conduct which is inconsistent with a school's educational mission, the Dignity Act requires every school district in New York State to include an age appropriate version of the State policy in its Code of Conduct (Education Law §12[2]).

Schools are encouraged to use the resources in this guide to assist in augmenting or developing programs and lessons. In addition, any core subject area can incorporate Dignity Act principles into a lesson. Examples of this strategy may include the following:

- If you are teaching students about the food chain in science class, add questions that ask the students to compare the social environment at school to the food chain. Questions could be focused on roles of various groups in school culture, interactions between those groups, respect and roles of each group in the social structure, and respect of diversity within the school culture.
- You may also have students study great leaders, in whatever subject you teach, who were maligned and shunned for being different or ahead of their time. Their life stories may inspire students and help to introduce discussion topics.

The following resources may serve as a foundation in developing a comprehensive Dignity Act program in your school:

Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State
www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf

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 social-emotional factors that may affect students' brain development and creating conditions where school environments are safe and supportive, teachers can teach more effectively, students can learn better, and parents and the community can feel pride in a shared enterprise. The guidelines and accompanying resources seek to persuade school leaders, faculties, planning teams and parents that social and emotional development and learning can be achieved through a range of approaches that serve as entry points and avenues for expansion.

U.S. Department of Education Office of Safe and Healthy Students
<http://www2.ed.gov/about/offices/list/oese/oshs/index.html>

The federal Office of Safe and Healthy Students provide resources to school districts to implement programs and services to prevent violence in schools, as well as drug and substance abuse. Information on this page is directly related to the requirements and provisions of the Act and is especially suited for administrators and others interested in understanding these requirements. This includes resources related to anti-bullying and positive school environment resources.

INTRODUCTION

The Dignity for All Students Act

In enacting the Dignity Act in 2010, the Legislature found that “a student’s ability to learn and to meet high academic standards, and a school’s ability to educate its students are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation” (Education Law §10). In support of Chapter 102 of the Laws of 2012, the legislative findings and intent included the following: “The legislature finds it is vital to protect all students from harassment, bullying, cyberbullying, and discrimination. In expanding the provisions of the Dignity for All Students Act, the legislature intends to give school districts tools to address these harmful acts consistent with the emerging research in the field. Bullying, harassment, and discrimination pose a serious threat to all students, including but not limited to students targeted because of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. It is imperative to protect every student from such harm regardless of whether the student is a member of a specific category.”²

The Dignity Act prohibits acts of harassment and bullying, including cyberbullying, and/or discrimination, by employees or students on school property or at a school function, including but not limited to such conduct those based on a student’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 (Education Law §12[1]). Cyberbullying is defined as harassment or bullying which takes place through any form of electronic communication (Education Law §11[8]).

Schools may want to consider whether using the label “bully” is the most effective way to address an individual’s behavior. It is important to note that the same child, in different circumstances, may take the role of the bully, the target, or a bystander. Labels do not reflect the range of roles a student may play. In addition, while a student may not readily admit to being a “bully,” they may acknowledge engaging in harmful behavior toward another student. When addressing inappropriate behavior, schools should carefully consider using language that encourages the most productive and beneficial conversation with students, staff, and persons in parental relation about what it means to treat others with dignity and respect.

A key principle in the Dignity Act relates to reporting incidents of harassment, bullying, and/or discrimination. Pursuant to §100.2(kk) of the Commissioner’s regulations, when an incident is reported and an investigation verifies that a **material incident of harassment, bullying, and/or discrimination** has occurred, the superintendent, principal or designee shall take prompt action consistent with the district’s Code of Conduct, reasonably calculated to end the harassment, bullying, and/or discrimination,

² Chapter 102 of the Laws of 2012, section 1.

eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student(s) against whom such behavior was directed (8 NYCRR §100.2[kk][2][iv]). The Commissioner's regulations define material incidents of harassment, bullying, and/or discrimination to include:

a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. The term also includes a verified incident or series of related incidents of harassment or bullying that occur off school property (where such acts create 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) and is the subject of a written or oral complaint to the superintendent, principal, or their designee or other school employee (8 NYCRR §100.2[kk][1][ix]).

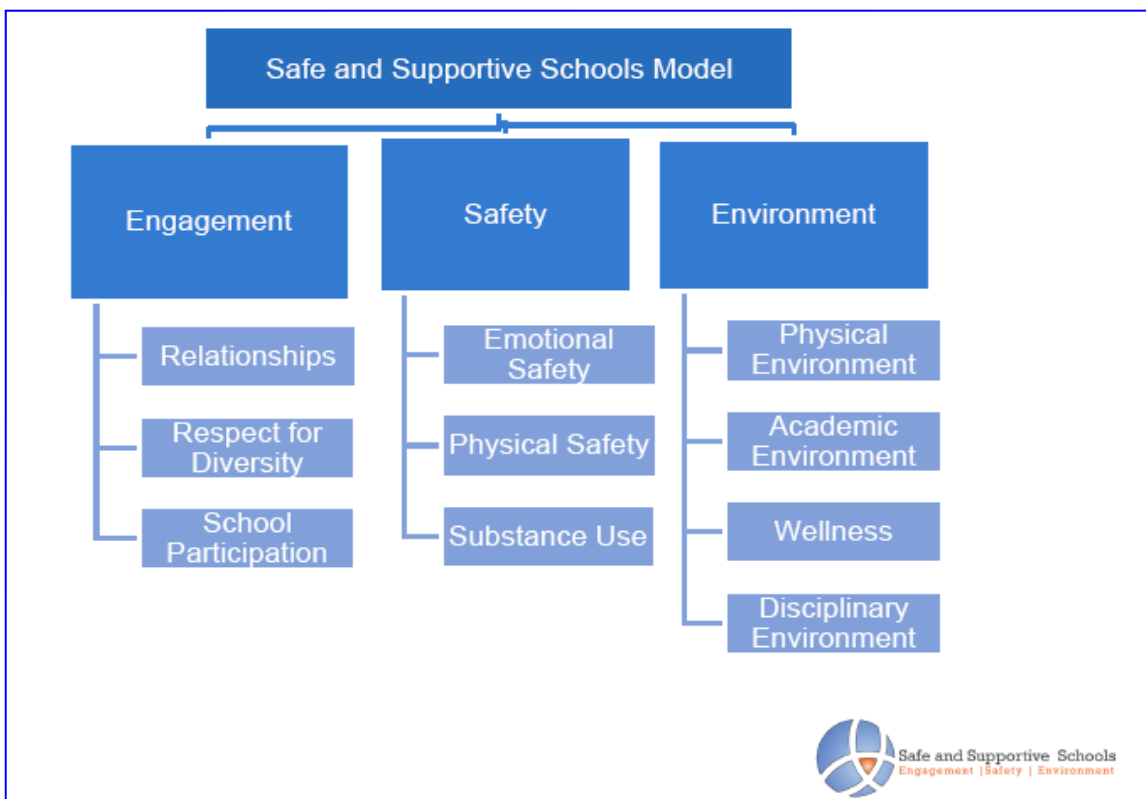
Included in the Dignity Act is the prohibition of "cyberbullying," which is defined as harassment or bullying which occurs through any form of electronic communication (Education law §11[8]). The regulation of harassment in the form of cyberbullying may involve free speech, including constitutional matters regarding the ability of a school district, BOCES, or charter school to restrict these forms of speech and expression and to discipline individuals for engaging in them (see e.g. Tinker v. Des Moines Indep. Community Sch. Dist., 393 US 503 [1969]). This issue will be addressed in Section VII of this document; however it is critical to note that although discipline may not always be a viable option, the school is not precluded from taking actions that support and educate the students involved in cyberbullying.

SECTION I: SCHOOL CLIMATE AND CULTURE

Establishing and sustaining a school environment free of harassment, bullying, and discrimination should involve an examination of a school's climate and culture. School climate and culture have a profound impact on student achievement, behavior, and reflects the school community's culture.

School climate may be defined as the quality and character of school life. It may be based on patterns of student, parent, and school personnel experiences within the school and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures.

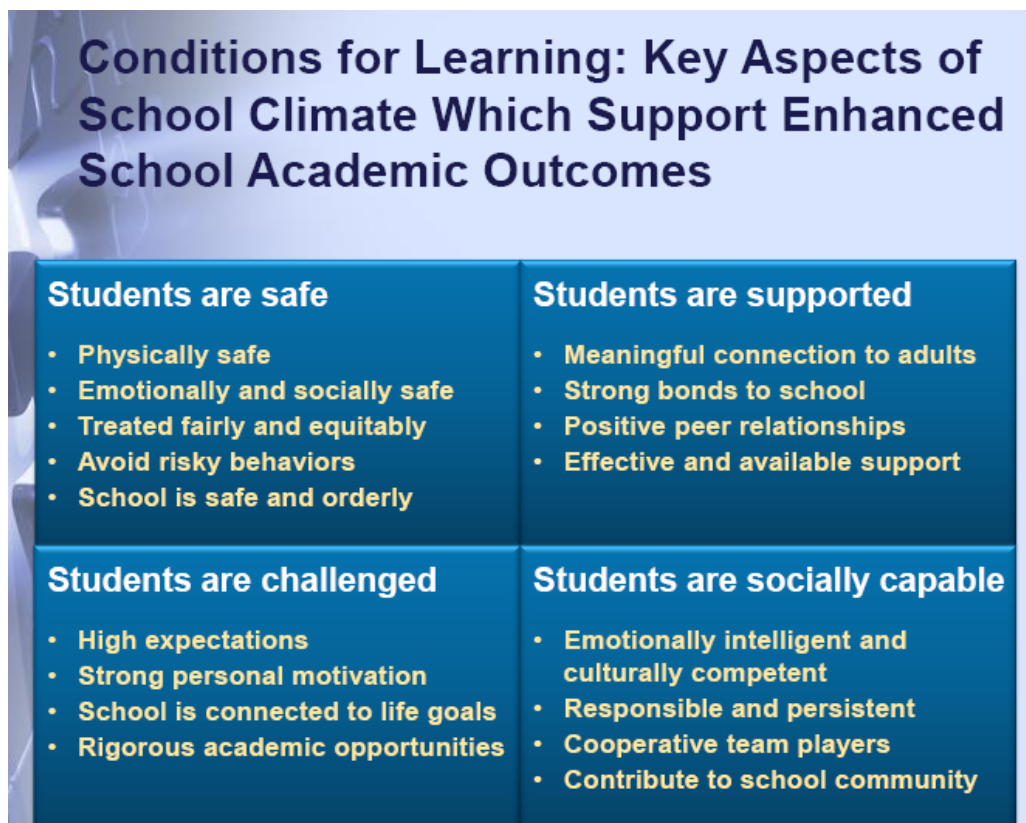
Key factors impacting school climate may include, but are not limited to, a person's perception of their personal safety, interpersonal relationships, teaching, learning, as well as the external environment (www.schoolclimate.org/climate). The U.S. Department of Education Office of Safe and Healthy Students (<http://safesupportiveschools.ed.gov>) Safe and Supportive Schools Model emphasizes the core areas of student/staff/community engagement, safety, physical environment, as well as emotional environment.



A school's culture is largely determined by the values, shared beliefs, and behavior of all the various stakeholders within the school community and reflects the school's social norms.

A presentation developed by Dr. David Osher and Dr. Chris Boccanfuso for the U.S. Department of Education Safe and Supportive School Technical Assistance Center further demonstrates the interconnectedness of enhanced academic outcomes and a school climate where students feel safe, supported, academically challenged, and socially capable. See:

http://safesupportiveschools.ed.gov/reader.php?upload=/20110303_PresentationFinal21011SSSTASchoolClimateWebinarpublic.pdf



The following provides a guide to identifying the key stakeholders in a school – as it directly relates to school climate and culture.

Who is the School Community?	Factors Impacting School Culture
<ul style="list-style-type: none"> • Students and their families, including persons in parental relation • Teachers • Administrators • Counselors, social workers, school nurses, parent coordinators, PTA members • Related service providers • School safety personnel and resource officers • Cafeteria, custodial, and other support staff • Transportation staff • Community organizations 	<ul style="list-style-type: none"> • Staff expectations of student behavior and academic achievement • School policies and procedures • Consistent and equitable treatment of all students • Equity in, and access to, resources (budget, space, time, personnel, supplies, equipment) • Equity in, and access to, support services • Student and family engagement

SCHOOL CLIMATE AND CODES OF CONDUCT

Establishing behavioral expectations for students, staff, and visitors that encourage a positive and respectful school climate and culture are essential to creating and maintaining a safe and supportive school community.

Commissioner's regulation §100.2(l)(2)(ii)(b) reflects the Dignity Act's requirement that boards of education create policies, procedures and guidelines intended to create a school environment that is free from harassment, bullying and discrimination (see Education Law §13).

See: www.regents.nysed.gov/meetings/2012Meetings/March2012/312p12a4.pdf

A WHOLE SCHOOL APPROACH – BUILDING STUDENT READINESS

There is an expectation that schools promote a positive school culture that encourages interpersonal and inter-group respect among students and between students and staff. To ensure that schools provide **all** students with a supportive and safe environment in which to grow and thrive academically and socially, each of the following facets of a school community must be considered:

Social Environment

- Interpersonal Relations: Students & Staff
- Respect for Diversity
- Emotional Well Being and Sense of Safety
- Student Engagement
- School & Family Collaboration
- Community Partnerships

Physical Environment

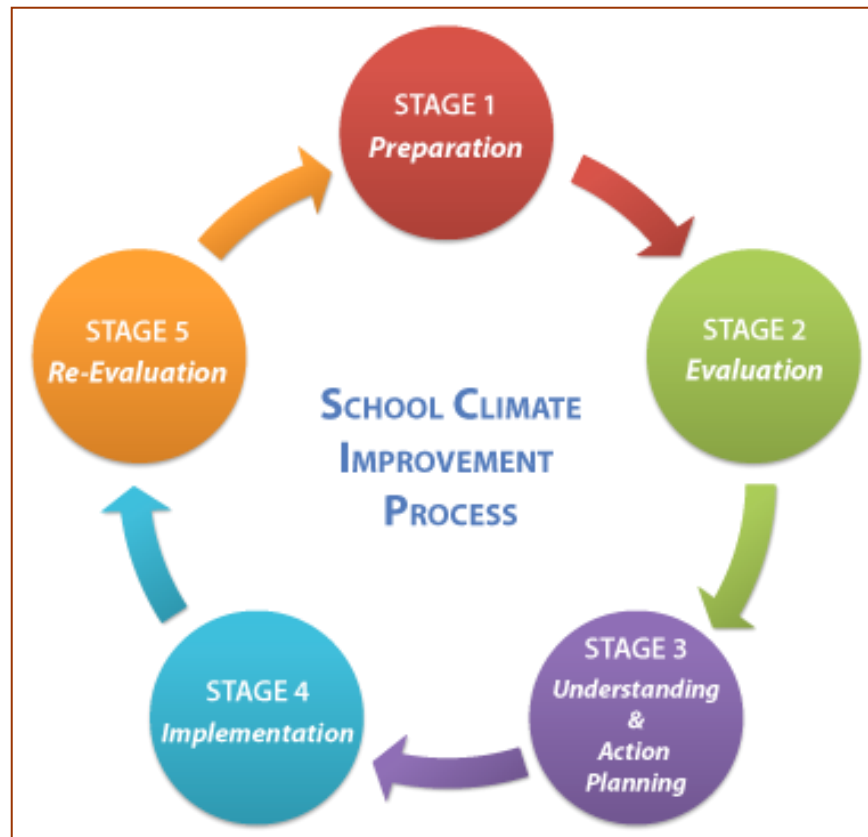
- Building Conditions

- Physical Safety
- School Wide Protocols
- Classroom Management

Behavioral Environment, Expectations & Supports

- Physical & Mental Well Being
- Prevention & Intervention Services
- Behavioral Accountability (Disciplinary and Interventional Responses)

The periodic review of a school's social, physical, and behavioral environments, as well as student and staff expectations and supports enable school leaders and personnel to play a key role in establishing and sustaining school norms that foster a positive culture and climate in which **all** students can thrive. There are varying school climate models that have been developed by organizations, as well as by other states. Many of these models can be accessed through the U.S. Department of Education's Office of Safe and Supportive Schools at <http://safesupportiveschools.ed.gov>. The National School Climate Center, an organization dedicated to helping schools incorporate social and emotional learning with academic instruction, has developed a school climate improvement model based on a cyclical process of preparation, evaluation, understanding the evaluation findings and action planning, implementing the action plan, and re-evaluation and continuing the cycle of improvement efforts. This process enhances student performance; reduces dropout rates, violence, bullying; while developing healthy and positively engaged adults. (<http://schoolclimate.org/climate/process.php>)



SOCIAL AND EMOTIONAL LEARNING

The State Board of Regents affirmed support for social and emotional learning on July 18, 2011 by formally adopting *Educating the Whole Child – Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* www.p12.nysed.gov/ssssedl/SEDLguidelines.pdf.

In the summary presented to the Board of Regents by State Education Commissioner John B. King, Jr., it was noted that “social and emotional development is the ability to understand, manage, and express the social and emotional aspects of one’s life in ways that enable the successful management of life tasks such as learning, forming relationships, solving everyday problems, and adapting to the complex demands of growth and development.”³

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

Teaching social and emotional skills is as important as teaching academic skills. Abraham Maslow’s statement, “If you only have a hammer, you tend to see every problem as a nail,” speaks directly to the fundamental need to provide students with instruction in social/emotional skills as both an overarching prevention strategy and as a

³ Elias, M., Zins, J., Weissberg, P., Frey, K., Haynes, N., Kessler, R., Schwab-Stone, M., Shriver, T., (1997) Promoting Social and Emotional Learning: Guidelines for Educators. Alexandria, VA: ASCD.

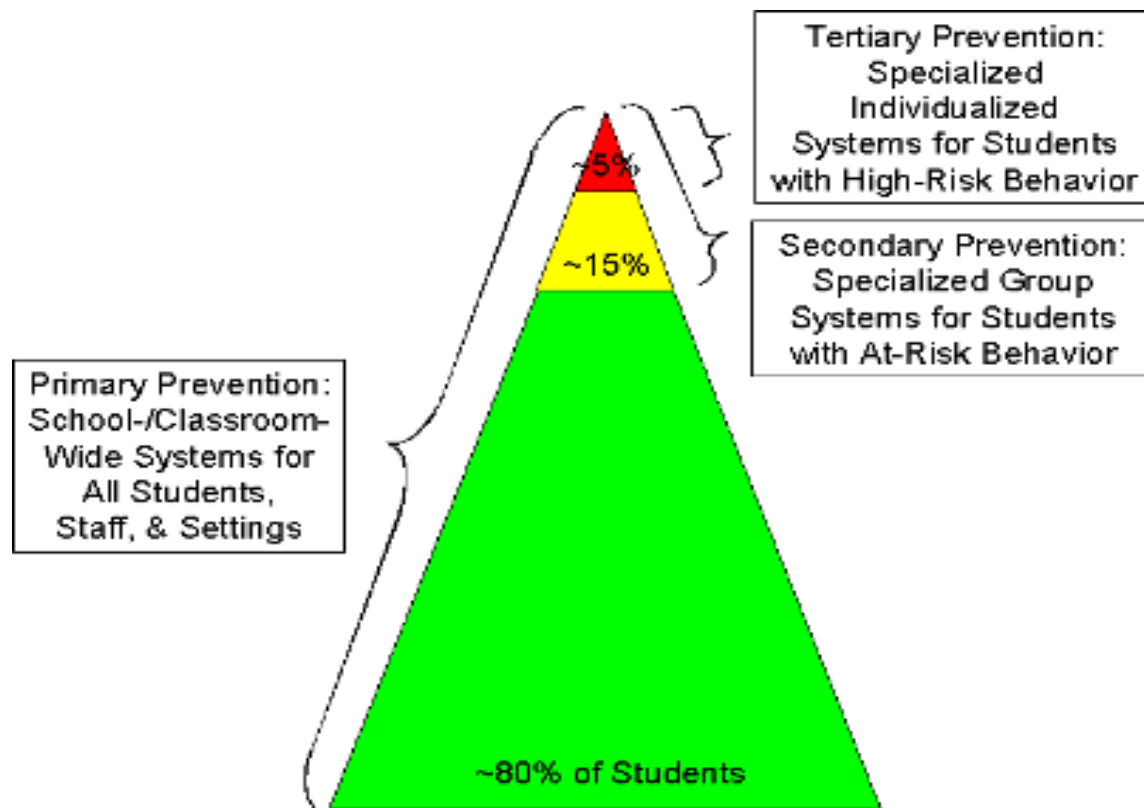
primary intervention strategy for children whose “toolkit” of responses needs to be expanded to include appropriate, pro-social strategies for effectively interacting with others.

Schools are encouraged to address prevention and intervention on three levels (Lewis & Sugai 1999; Sugai et al 2000, Walker et al 1996):

- Primary (universal) prevention to promote pro-social development and prevent problems
 - Secondary prevention to address the needs of at-risk students as soon as possible when behavioral incidents occur
 - Tertiary prevention that provides applicable interventions to students with chronic and/or severe problems.
- www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf

Prevention and intervention continuum to promote healthy, adaptive and pro-social behaviors

Walker et al 1996



Some Guiding Questions to Consider When Examining These Factors

<ul style="list-style-type: none"> • How well does the school project a welcoming and supportive environment for all students? • What are the school's behavioral expectations for students and staff, and how well do they address the responsibility of the school to ensure a safe and supportive environment? • How does the school communicate its clear expectations regarding pro-social behavior and respect within the school community with staff and students? • How well do all adult members of the school community model respect for diversity in their interactions with one another – and with students and their families? • What kinds of programs and initiatives does the school implement to promote respect for diversity? • If an individual or group engages in discriminatory behavior toward a student or group of students based on the student's or group of students' actual or perceived identity, how does the school address the behavior so that it does not become a pervasive or persistent pattern and so that the individual student or group of students does not have reason to believe that such behavior is likely to continue? • How does the school integrate respect for diversity into the curriculum? • How well does the school library collection (books, periodicals, multimedia resources) and visual displays throughout the building promote respect for diversity? • Are library collections readily accessible to everyone in the school? • How are students, the largest group of stakeholders in the school community, involved in preventing bias-based behavior and promoting respect? • How are students provided with opportunities for social emotional learning? 	<ul style="list-style-type: none"> • How are students learning empathy? • How often does the school review, and amend, its safety and security procedures to ensure that all areas to which students have access are well monitored and supervised, including stairwells, hallways, locker rooms and athletic facilities, outside play areas, cafeteria, auditorium, etc. • When students do not meet behavioral expectations, how does the school ensure equitable access to support and disciplinary accountability? • When disciplinary data is regularly reviewed, how does the school bring multiple perspectives and disciplines to the process? • How are resources used to support student engagement (student organizations, clubs and teams) so that all students see themselves as valued members of the school community? • How does the school actively support and encourage diversity in student government? • How does the school provide regularly scheduled opportunities for students, especially those who are not elected to student government, to share ideas, identify concerns and strategies for improved school climate and culture with the principal/school leaders? • How well does the school promote diversity in the recruitment and training of students who serve as peer mediators in the school's peer mediation center? • How successful is the school in welcoming the families of all students into the school community? • Does the school engage and encourage parents to work as partners in their children's learning? • How does the school celebrate and recognize students' successes, progress and achievement so that all students see themselves as valued members of the school community?
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Social and emotional learning helps students develop fundamental and effective life skills, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative

behaviors and the disciplinary consequences that may result when students do not live up to behavioral standards.

A strictly punitive or reactive approach to inappropriate student behavior is neither the intent of the Dignity Act, nor has it been proven effective in reducing incidents. Rather it is recommended that strategies such as prevention, intervention, and graduated/progressive discipline be considered in addressing and correcting inappropriate behavior, while re-enforcing pro-social values among students.

Student Engagement

Students are the largest group of stakeholders in the school and its greatest resource in creating and sustaining a safe and supportive school environment. Student engagement is absolutely essential in creating a positive school culture and climate that effectively fosters student academic achievement and social/emotional growth. The quality of student life and the level of student engagement may be the best single indicator of potential or current school safety and security concerns as they pertain to student behavior.

Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults mitigates against negative behaviors are key to promoting a safe and supportive school. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies and skills, and support they need to thrive.

Student and staff access to school library and classroom materials which address 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), or sex may also promote an environment in which social/emotional growth can be nurtured and thrive.

General resources to assist school administrators, teachers, and the Dignity Act Coordinator in addressing the needs of students are in [**Appendix C**](#) of this guide.

Student Empowerment

The Dignity Act states that “[n]o student shall be subjected to harassment or bullying by employees or students on school property or at a school 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, or sex by school employees or students on school property or at a school function...” (Education Law §12[1]).

Whether a student is being bullied himself/herself or has witnessed another student being bullied, s/he needs to feel empowered, comfortable, and safe reporting such an incident to school faculty or staff. Specifically, the Dignity Act requires that boards of

education create policies, procedures and guidelines that enable students and parents to make oral and/or written reports of harassment, bullying or discrimination to teachers, administrators, and other school personnel that the school district deems appropriate (Education Law §13[1][b]).

Even with such policies in place, a student who has been bullied may still hesitate in seeking help from an adult. Since the Dignity Act applies to both student-to-student and faculty/staff-to-student behavior, it is important to keep in mind that the student may have been harassed or bullied by a school employee. In a case such as this, the issues of empowerment and trust are that much more critical – and the objectivity and approachability of the person the student confides in is absolutely essential.

The U.S. Department of Education has developed an on-line toolkit designed to assist educators in addressing issues related to incidents of bullying by *Creating a Safe and Respectful Environment in Our Nation's Classrooms*. This program points out that students may not report bullying due to a variety of reasons ranging from the humiliation they already feel from having been bullied and the fear that reporting the behavior will only worsen this, to feelings of isolation and a belief that no adult will believe and/or help them address the situation.

See: (<http://safesupportiveschools.ed.gov/index.php?id=1480>).

To assist students who may be bullied, the Dignity Act includes a requirement that boards of education create policies, procedures and guidelines that require each school to provide all students, school employees, and parents with an electronic or written copy of the district's Dignity Act policies, including notification of the process by which they may report harassment, bullying, and discrimination (Education Law §13[1][k]).

School and District Practice and Policies

A school's culture may be the single most important factor in preventing, limiting, and/or dealing with bullying and cyberbullying incidents. Educators need to work diligently to create school cultures that value and teach respect for all. The most positive school cultures are culturally sensitive and model positive behavioral interactions.

Potential strategies available to create a comprehensive response to bullying and cyberbullying include policies and programs that address school climate; Code of Conduct; Internet Safety and Accepted Use Policies which comply with the federal Children's Internet Protection Act; and the analysis of Violent and Disruptive Incident Reports (VADIR).

- **School culture:** NYSED, in conjunction with the New York State Office of Mental Health, has developed Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State. This document, and other SEDL resources to assist schools in developing positive school climates and cultures, can be found at www.p12.nysed.gov/sss/sedl/.

- **Code of Conduct:** All public school districts must adopt and provide for the enforcement of a written 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 personnel and visitors (see Education Law §2801[2] and Commissioner's Regulation 8 NYCRR §100.2[1][2][i]).

For specific information on Dignity Act Amendments affecting the Code of Conduct see "Guidance for Updating Codes of Conduct" at:

<http://www.p12.nysed.gov/dignityact/documents/DASACodeofConductGuidance.pdf>

An age-appropriate summary of the Code of Conduct must be provided to all students at a school assembly at the beginning of each school year; a plain-language summary of the Code of Conduct must be mailed to all persons in parental relation to students before the beginning of each school year; each teacher must be provided with a copy of the complete code of conduct and a copy of any amendments as soon as practicable following initial adoption or amendment of the code; and each new teacher must be provided with a complete copy of the current code upon their employment (see Education Law §2801[4]; 8 NYCRR §100.2[1][2][iii][b]). This also provides an opportunity for school personnel to both review the Code of Conduct with students and parents and identify possible gaps in policy, practices, and procedures.

The Code of Conduct must be reviewed annually and updated if necessary, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration (see Education Law §2801[5][a] and 8 NYCRR §100.2[1][2][iii][a]). This annual review provides an opportunity to assess whether the Code of Conduct needs to be revised to address, among other things, the use of new forms of technology on school grounds and/or at school functions by students, teachers, other school personnel and visitors. A district may establish a committee to facilitate the review of its Code of Conduct and the district's response to Code of Conduct violations (see Education Law §2801[5][a] and 8 NYCRR §100.2[1][2][iii][a]). The review team/committee must include student, teacher, administrator, and parent organizations, school safety personnel and other school personnel (Education Law §2801[5][a] and 8 NYCRR §100.2[1][2][iii][a]). Such committee might also include school staff, community members, and law enforcement officials. It is also recommended that individuals with strong technology skills and a thorough understanding of how students, teachers, and staff are using technology be recruited to assist in the review of the Code of Conduct. This will help ensure that the Code of Conduct reflects current and anticipated challenges that have been created or are anticipated through the evolution of technology. In addition, prior to board adoption of the updated code of conduct a public hearing must be held to inform the community about the proposed changes and receive input.

The Code of Conduct is an ideal document in which to establish expectations and consequences for student and staff conduct regarding internet safety and the use of technology while on school grounds and/or at school functions. Teachers must be provided with a complete copy of the Code of Conduct (8 NYCRR

§100.2[1][2][iii][b][4]) and complete copies of the Code of Conduct must also be made available for review by students, persons in parental relation to students, and other community members (see Education Law §2801[4] and 8 NYCRR §100.2[1][2][iii][b]). The complete Code of Conduct, including any annual updates or other amendments, must be posted on the school district's website, if one exists (8 NYCRR §100.2[1][2][iii][b][1]).

SECTION II: 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 Needs⁴, 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:

⁴www.abilitypath.org/areas-of-development/learning--schools/bullying/articles/walk-a-mile-in-their-shoes.pdf

- 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.

“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>

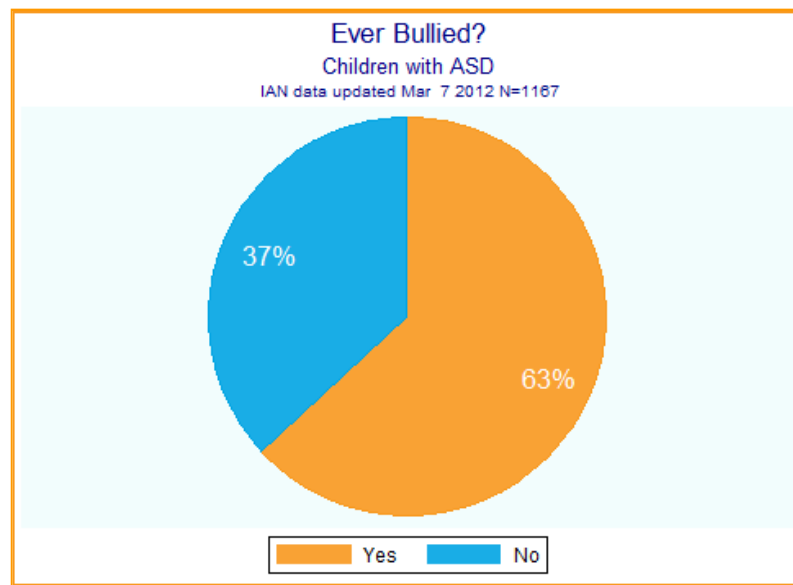
Autism Spectrum Disorders (ASDs)

The Interactive Autism Network (IAN) conducted a national study related to the frequency of students with ASDs being bullied in school.⁵

The initial results of the study released in 2012, illustrate that “children with ASD are bullied at a very high rate, and are also often intentionally “triggered” into meltdowns or aggressive outbursts by ill-intentioned peers.” The IAN further reported that “bullying is extremely common in the lives of children with ASD, and occurs at a much higher rate for them than it does for their typically developing siblings. It is crucial that educators, providers, advocates, and families be aware of this, and be prepared to intervene. Children with ASD are already vulnerable in multiple ways. To have to face teasing, taunts, ostracism, or other forms of spite may make a child who is already struggling to cope completely unable to function. If a child was anxious, or dealing with issues of self-control, or unable to focus *before* there was any bullying, imagine how impossible those issues must seem when bullying is added to the mix. Cruellest of all is the fact that bullying may further impair the ability of a child with ASD, who is already socially disabled, to engage with the social world.”

The following chart was developed as part of the IAN Report, is based on a survey of parents of children (ages 6-15) with ASD. Parents were asked whether their child had ever been bullied. Of the 1,167 students associated with this survey, 63% indicated that they had been bullied at some point.

⁵ www.iancommunity.org/cs/ian_research_reports/ian_research_report_bullying



On the other hand, “children with ASD may also behave as bullies, or at least be viewed as such. In fact, 20% of parents told us their child with ASD had bullied others, a rate that compares to only 8% for typical siblings. Most of these children were *bully-victims* – children who had been bullied and had also bullied others.”

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 Children⁶

The Gay, Lesbian and Straight Education Network (GLSEN) reports that many lesbian, gay, bisexual, and transgender teens in the United States experience homophobic remarks and harassment throughout the school day, creating an atmosphere where they feel disrespected, unwanted, and unsafe.

Homophobic remarks such as "that's so gay" are the most commonly heard type of biased remarks at school. GLSEN's research has found that such slurs may be unintentional since they may be part of teens' vernacular. In spite of this, most teens do not recognize that the casual use of such language often carries over into more overt harassment. See: www.thinkb4youspeak.com/ForEducators/?state=&type=antibullying.

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. GLSEN's 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.

⁶ It is recognized that there are a number of commonly used variants of this acronym. For the purposes of consistency in this guidance document, the acronym **LGBTQ** will be officially used to refer to individuals who self-identify as either lesbian, gay, bisexual, transgender, or questioning. Variations of this acronym are taken from the original source material.

- 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%).

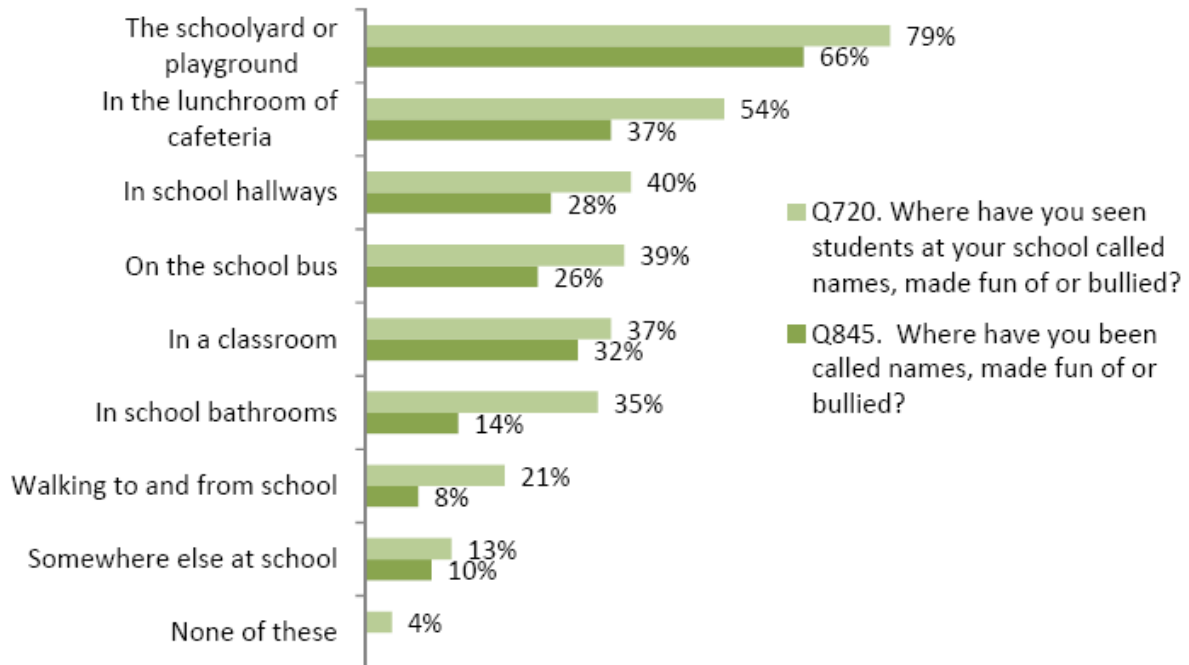
www.glsen.org/cgi-bin/iowa/all/library/record/2832.html?state=research&type=research

A key finding in GLSEN's *"Playgrounds and Prejudice: Elementary School Climate in the United States"* study was the physical location where students reported being directly confronted in name calling situations. Figure 3.7 *"Locations Where Bullying or Name-Calling Occurs at School"* provides valuable insight for school administrators, the DAC(s), and other personnel in relation to where to focus their efforts to curtail and ultimately eliminate such acts. See:

www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/002/2027-1.pdf

Figure 3.7
Locations Where Bullying or Name-Calling Occurs at School

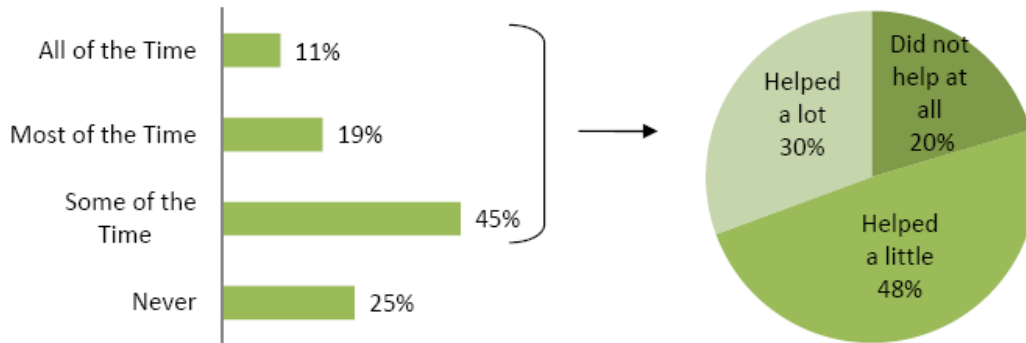
Base: All students who say bullying occurs at school (n=994)



Still another critical finding was the student's perception of whether or not reporting such acts to their teacher helped to resolve the situation. Figure 3.8 "*Frequency and Helpfulness of Telling a Teacher About Being Called Names, Made Fun Of, or Bullied At School*" is particularly significant since all students are entitled to attend school in a safe and supportive environment free from bullying, discrimination, and harassment. See: www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/002/2027-1.pdf

Figure 3.8
**Frequency and Helpfulness of Telling a Teacher about Being Called Names,
 Made Fun of or Bullied at School**

Base: All students who are ever bullied (n=714) / told a teacher about being bullied (n=526)



Q850. How often do you tell a teacher or other adult at school when you are called names, made fun of, or bullied at school?/Q860. How much did this help to stop the problem?

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 LGBTQ 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 who 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.

Federal Civil Rights Statutes Related to Schools and Harassment

Schools that receive federal funding are required by federal law to address discrimination. The statutes the Department of Education’s Office for Civil Rights (OCR) enforces include:

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

Federal courts have found that school districts may be subject to liability in Title VI and Title IX cases for teacher or peer harassment when the district exercises substantial control over the harasser and the context in which the known harassment occurs, the harassment is severe and discriminatory, the district has actual knowledge of the harassment, and its response amounts to deliberate indifference to discrimination (see e.g., Davis ex. rel. LaShonda P. v. Monroe Cnty. Bd. of Educ., 526 US 629 [1999]; Zeno v. Pine Plains Central School District, 702 F3d 655 [2d Cir. 2012]).

US Department of Education Office of Civil Rights “Dear Colleague” Letter on Harassment and Bullying

The U.S. Department of Education’s Office of Civil Rights periodically issues “Dear Colleague” letters to school districts and to schools on pertinent issues related to K-12 and higher education. The October 2010 “Dear Colleague” letter from U.S. Assistant Secretary of Education Russlynn Ali addressed harassment and bullying and is particularly pertinent to implementing the Dignity Act within the larger context of federal civil rights laws.

The following are excerpts from the Office of Civil Rights’ letter:

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

[S]ome student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal civil antidiscrimination laws enforced by [OCR].... Harassing conduct may take many forms, including verbal acts and name calling, graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. **Harassment does not have to include intention to harm, or be directed at a specific target, or involve repeated incidents.**

Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that U.S. Department of Education Office of Civil Rights enforces.

Some conduct alleged to be harassment may implicate the First Amendment rights to free speech or expression. For more information on the First Amendment’s application to harassment, see the discussions in OCR’s Dear Colleague Letter: First Amendment (July 28, 2003), available at www.ed.gov/about/offices/list/ocr/firstamend.html)

As noted in the October 2010 U.S. Department of Education Office of Civil Rights letter, a school is responsible for addressing harassment incidents about which it knows or reasonably should have known.

A school has notice of harassment if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment. In some situations, harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public

areas. In these cases, the obvious signs of the harassment are sufficient to put the school on notice. In other situations, the school may become aware of misconduct, triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment.

The following is an excerpt from the October 2010 letter from U.S. Assistant Secretary of Education Russlynn Ali, available at:

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

In all cases, schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the school to incidents of harassment.

When responding to harassment, a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students, involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and appropriate steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a school's responsibility even if the misconduct is also covered by an anti-bullying policy, regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination.

Appropriate steps to end harassment may include separating the accused harasser and the target, providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed. For example, any separation of the target from an alleged harasser should be designed to minimize the burden on the target's educational program (e.g., not requiring the target to change his or her class schedule).

In addition, depending on the extent of the harassment, the school may need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond. A school also may be required to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment. An effective response also may need to include the issuance of new policies against harassment and new procedures by which students, parents, and employees may report allegations of harassment (or wide dissemination of existing policies and procedures), as well as wide distribution of the contact information for the district's Title IX and Section 504/Title II coordinators.

Finally, a school should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

When responding to incidents of misconduct, schools should keep in mind the following:

- The label used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR.
- When the behavior implicates the civil rights laws, school administrators should look beyond simply disciplining the perpetrators. While disciplining the perpetrators is likely a necessary step, it often is insufficient. A school's responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur. Put differently, the unique effects of discriminatory harassment may demand a different response than would other types of bullying.

SECTION III: SCHOOL PERSONNEL INCLUDING SUPERINTENDENTS AND PRINCIPALS

Harassment, Bullying and Discrimination Prevention and Intervention Training for Certification Candidates

The amendments to the Dignity Act introduced by Chapter 102 of the Laws of 2012 included a requirement that school professionals applying for a certificate or license on or after July 1, 2013 complete training on the social patterns of harassment, bullying and discrimination (this timeframe was extended until December 31, 2013 pursuant to Chapter 90 of the Laws of 2013 [Education Law §14(5)]). In response to the amendments and after consultation with a work group comprised of educators and advocates, the Board of Regents approved the following regulatory changes:

- Part 52 of the Commissioner's Regulations has been amended to require teacher and school leadership preparation programs to include at least six hours of training in Harassment, Bullying and Discrimination Prevention and Intervention.

- A new Subpart 57-4 of the Commissioner's Regulations has been added to establish standards under which the Department will approve providers of this training.
- • Part 80 of the Commissioner's Regulations has been amended to require that anyone applying for an administrative or supervisory service, classroom teaching service or school service certificate or license on or after December 31, 2013, shall have completed at least six hours of coursework or training in Harassment, Bullying and Discrimination Prevention and Intervention.

Responsibilities for Educators

The New York State Code of Ethics for Educators⁷ sets clear expectations and principles to guide educational practice and inspire professional excellence. The first principle exemplifies the heart of the Dignity Act:

- Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.
- Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning.
- They respect the inherent dignity and worth of each individual.
- Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities.
- They help students to reflect on their own learning and connect it to their life experience.
- They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning.
- They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

The Code of Ethics for Educators, as well as the six Educational Leadership Policy Standards established by the Council of Chief State School Officers⁸, reinforces the critical importance of strong leadership within local education agencies.

⁷ <http://www.highered.nysed.gov/tcert/resteachers/codeofethics.html#statement>

⁸ http://www.ccsso.org/Documents/2008/Educational_Leadership_Policy_Standards_2008.pdf

Educational Leadership Policy Standards

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

As leaders in a school district, the superintendent and principals set the overall tone of respect and responsibility for the entire school community, including faculty, staff, students, and persons in parental relation. The leadership required of superintendents and principals is fundamental to the effective implementation of the Dignity Act.

The educational leadership, integrity, and professionalism demonstrated by the superintendent, principal, faculty and staff are essential to the overall school climate. The Dignity Act imposes several requirements that involve school leadership and staff. Specifically, Education Law §13(1) requires that boards create policies, procedures and guidelines that include provisions which:

- Identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying, and discrimination (Education Law §13(1)(a)).
- Enable students and parents to make an oral or written report of harassment, bullying, and discrimination to teachers, administrators, and other school personnel that the school district deems appropriate (Education Law §13(1)(b)).
- Require school employees who witness harassment, bullying, or discrimination, or receive an oral or written report of harassment, bullying, or discrimination, to promptly orally notify the principal, superintendent or their designee not later than **one** school day after such school employee witnesses or receives a report of harassment, bullying, or discrimination, and to file a written report with the principal, superintendent or their designee not later than **two** school days after making such oral report (Education Law §13(1)(c)).
- Require the principal, superintendent or their designee to lead or supervise the thorough investigation of all reports of harassment, bullying, or discrimination, and to ensure that such investigations are completed promptly after receipt of any written reports (Education Law §13(1)(d)). When an investigation reveals any such verified harassment, bullying, or discrimination, take prompt actions reasonably calculated to

end the harassment, bullying, or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such harassment, bullying, or discrimination was directed (Education Law §13[1][d][e]).

- Require the principal to make a regular annual report on data and trends related to harassment, bullying, and discrimination to the superintendent (Education Law §13[1][h]).
- Require the principal, superintendent or their designee to notify promptly the appropriate local law enforcement agency when such individual believes that harassment, bullying, or discrimination constitutes criminal conduct (Education Law §13[1][i]).

Investigation and Follow-up

The Dignity Act requires that the **principal, superintendent or the principal's or superintendent's designee** lead or supervise **the thorough investigation of all reports of harassment, bullying, and discrimination**, and ensure that such investigation is completed promptly after receipt of any written reports of harassment, bullying, and discrimination (Education Law §13[1][d]).

The following guidance, *Creating a Safe and Respectful Environment in Our Nation's Classrooms: Understanding and Intervening in Bullying Behavior* was developed by the U.S. Department of Education National Center on Safe Supportive Learning Environments (NCSSLE)⁹ with input from Barbara-Jane Paris (www.bjparis.org). The following module entitled *Responding to and Reporting Bullying Behavior* provides suggestions which may assist school administrators in fulfilling this vital role.

“It is important to respond to reports of bullying whether you witness the behavior or a student reporting it to you. It is also important to respond appropriately to a situation. In some cases, it is possible that what occurred is not bullying, but in order to respond appropriately you need to carefully research and document allegations. To help ensure a safe orderly environment while responding to and then following up on incidents, your school's policies and procedures should always guide you. Whether a bullying incident is witnessed or reported by a student, you can follow these simple guidelines called **The Five Rs...**”

Respond:

When bullying is reported to you or witnessed by you, you must respond and intervene immediately, making sure that everyone is safe. Model respectful behavior when you intervene and reassure the student who has been bullied that what has happened is not his or her fault. Ask the student, “What do you need from me?” This may help you determine some of your next steps, including what kind of follow-up is needed.

⁹ <http://safesupportiveschools.ed.gov/index.php?id=1480>

Research:

It is important to document what the allegations are and to try to capture information from as many sources as possible, including bystanders, about what happened. Using their exact language, write down exactly what students say happened. It may also be helpful to try to find out whether anything happened that might have led to the incident. An important part of your research is to determine whether the incident was indeed bullying or another kind of negative or aggressive interaction.

Record:

Good documentation will provide what is needed to write a thorough, accurate, and helpful report. Collect and save everything in a folder. In some cases, like cyberbullying, there may be things like text messages, pictures, or e-mails that should be copied and saved for attachment to the report.

Report:

Just like responding to the incident itself, writing and filing a formal report of a bullying incident should always be guided by your school's policies, Student Code of Conduct and the commissioner's regulations. Your school will probably have its own forms for writing and filing a report. After thorough research and while reviewing your school's Student Code of Conduct, this report is where you would make a determination as to whether an incident is bullying or some other form of behavior.

Revisit:

After a plan has been developed for both the student who was bullied and the student engaged in bullying behavior, it will be important for you to follow-up with each student to check and see how things are going. You want to find out if anything has changed, if the plans put into place are working (or not), and if anything else needs to be done. Follow-up gives you a chance to gather more information, and it lets all of the students involved know that there is continued adult support for them.

(NOTE: Refer to Education Law §13[1] and the relevant provisions of Commissioner's regulations for specific responsibilities required by New York State Law.)

Maintaining a Circle of Confidentiality

To effectively investigate an alleged incident of harassment or bullying, it is important to establish processes and procedures that prevent the "re-victimization" of the student. Some types of harassment may become even more harmful through the perpetration in gossip and rumors, or through the association of an individual with a marked term or status in the school community. It is therefore essential to objectively and systematically collect the facts, but to do so in a manner that does not perpetuate the harm already caused to the student.

There are several steps that can be taken to limit re-victimization. For example, framing open-ended questions such as "Have you heard Robert calling any of the girls names?"

and following up with “Did you hear him call Susan any names?” is preferable to posing a pointed question like “Did you hear Robert call Susan an X?” The pointed question, by its phrasing, inadvertently expands the audience for the harassment.

Asking staff not to discuss incidents with one another outside the context of the actual investigation can also help to limit the re-victimization of a student. Emphasizing an atmosphere of confidentiality throughout the investigative process also helps prevent further dissemination of information about the harassment.

Interviewees should be told during the interview that the information they provide will be kept confidential to the extent permitted under the law, but that there may be instances where the administration is required by law to share the information on a need-to-know basis.

SECTION IV: THE DIGNITY ACT COORDINATOR

Identifying and Appointing the Dignity Act Coordinator (DAC)

To comply with the Dignity Act, at least one staff member in each school must be designated as the DAC and 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 (defined to include gender identity or expression), and sex (Education Law §13[3]; 8 NYCRR §100.2[jj][4]). The DAC must also be provided with training (1) which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex; (2) in the identification and mitigation of harassment, bullying and discrimination and (3) in strategies for effectively addressing problems of exclusion, bias and aggression in educational settings (8 NYCRR §100.2[jj][4][iii – v]).

Each DAC must be employed by the school district, BOCES, or charter school, as applicable, and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools (8 NYCRR §100.2[jj][4][vi]). It is recommended that the employee designated as the DAC 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 harassment, bullying, and/or discrimination. When designating the DAC, keep in mind that the law applies to student-to-student, as well as faculty/staff-to-student behaviors. The employee designated as the DAC does not need to be the principal; however it should be someone with experience addressing and resolving such issues within the school.

Additional criteria for identifying an employee to serve as a DAC may also include, but is not limited to, prior training in areas such as human relations, cultural diversity, bullying prevention and intervention and/or conflict resolution and/or demonstrated expertise in any of these or related areas.

Commissioner's Regulation §100.2(jj)(4)(vi) requires that the designation of each DAC be approved by the board of education, trustees or sole trustee of the school district, or, in the City School District of the City of New York, by the principal of the school building in which the designated individual is employed. In the case of a charter school, the DAC shall be approved by the board of trustees (8 NYCRR §100.2[jj][4][vi]).

If the individual serving as the DAC vacates his or her position as the DAC, another employee must be immediately designated as an interim DAC pending approval of a new DAC by the applicable governing body within 30 days of the date the position was vacated (8 NYCRR §100.2[jj][4][viii]). In the event a DAC is unable to perform his or her duties for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as DAC, pending return of the previous DAC (8 NYCRR §100.2[jj][4][viii]).

Accessibility

Accessibility to students and staff is an important consideration when identifying the DAC. It is especially important that students have someone available to whom they can reach out Monday through Friday. To promote accessibility, a school may wish to consider creating a dedicated Dignity Act email address for the DAC as a means of facilitating outreach and addressing allegations of harassment or discrimination. In addition, the name and contact information for the DAC must be shared with all school personnel, students, and persons in parental relation which shall include, but is not limited to, providing the name, designated school and contact information for each DAC by listing such information in the Code of Conduct and updates posted on the website, if available; posting such information in highly-visible areas of school buildings; making such information available at the district and school-level administrative offices and either including such information in the plain language summary of the Code of Conduct provided to persons in parental relation to students before the beginning of each school year or providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school, including, but not limited to, through electronic communication and/or sending such information home with students (8 NYCRR §100.2[jj][4][vii]).

Benefits of Identifying Multiple Dignity Act Coordinators

While the Dignity Act requires only one DAC in each school, schools may want to consider identifying multiple DACs. Research conducted by GLSEN has suggested that a team of employees is better equipped to respond to bias-based harassment than is an individual. Creating a group of DACs increases the likelihood that an individual student

will consider one or more DAC as someone they trust and with whom they feel comfortable speaking about a specific concern. Having multiple DACs also creates a cohort of trained staff who can serve as a resource for colleagues and students when they wish to implement class or school wide initiatives that promote respect for diversity and/or address harassment. Regardless of the number of DACs a school designates, each student should know who the DACs are, through the processes and procedures described above, at a minimum.

Schools may choose to use the professional development requirement for teachers as a means of encouraging a team approach at the school level. Depending on school and/or district policy, a school may accept professional development hours in areas such as human relations, cultural diversity, bullying prevention and intervention, bias prevention and intervention, social emotional learning, and/or conflict resolution or other areas related to the Dignity Act which will assist the school in developing a cadre of thoroughly trained teaching staff.

Allegations of Student-to-Student Harassment and/or Discrimination

New York State Education Law §2801 requires every school district and BOCES to have a Code of Conduct, including procedures for enforcement of the code.

Regardless of whether a student makes an allegation of student-to-student or staff-to-student harassment or discrimination directly to the DAC or to another school employee, allegations of Dignity Act-related incidents must be investigated and appropriately responded to in the same manner as all other infractions of the Code of Conduct and in accordance with any and/or all other applicable school and/or district policies and procedures related to student discipline.

Investigating and Responding to Allegations of Staff-to-Student Harassment and/or Discrimination

In the case of a report of alleged staff-to-student harassment and/or discrimination, reporting, investigation, and response must follow all applicable school and/or district policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct.

Pursuant to the Commissioner's regulations, each district and BOCES Code of Conduct must, among other things, contain provisions for disciplinary measures to be taken for incidents on school property or at school functions involving harassment, bullying and/or discrimination (8 NYCRR §100.2[l][2][ii][g]). The code must also contain provisions for responding to acts of harassment, bullying, and/or discrimination against students by employees or students which incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the

individual(s) who was physically injured and/or emotionally harmed (8 NYCRR §100.2[l][2][ii][h]). Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment (8 NYCRR §100.2[l][2][ii][h]).

The regulations also require that each Code of Conduct contain a provision prohibiting retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination (8 NYCRR §100.2[l][2][ii][t]).

SECTION V: FAMILY AND PARENT ENGAGEMENT: COMMUNICATING WITH THE SCHOOL COMMUNITY

Establishing or leveraging an existing system for communicating with the entire school community, including faculty and staff, parents and students, and community members may play a key role in gaining support at the local level for the implementation of the Dignity Act. It is critical to keep in mind that communication should be an evolving and continuous process, including a process for encouraging feedback.

Over the course of a school year, new situations and issues will likely emerge and new students and staff may enter the school community. An ongoing dialogue surrounding issues addressed in the Dignity Act will be vital in promoting a school climate free from discrimination and harassment that values and respects diversity.

Regardless of how the school provides information and gathers feedback, on-going communication with the whole school community is essential to sustaining an inclusive school culture that meets the needs of all students.

Schools are encouraged to use multiple means of communicating with the school community to ensure the Dignity Act becomes part of the fabric of the school culture, including but not limited to:

- District and/or school town hall and parent meetings
- District and/or school workshops for various stakeholder groups including but not limited to parents, students, faculty and staff, community members, etc.
- District and School websites
- District/school questionnaires and/or surveys
- A Dignity Act Coordinator email box through which to gather community feedback and concerns
- School newsletters and brochures aimed at one or more of the various stakeholder groups
- Posters developed by the District and disseminated to all school sites
- Establishing local committees to enhance implementation and communication

It is important to include students in promoting positive and respectful interpersonal relations using the following strategies:

- Student forums
- Discussion groups and/or regularly scheduled meetings of students and school leaders in addition to student government meetings)
- School culture and areas of concern as agenda items for student government meetings
- Displays of student posters that promote interpersonal and intergroup respect
- School and/or class newsletters and newspapers

Family engagement matters. Families play a significant and complex role in supporting and valuing the learning of their children, in school, in the home and in the community. Family and community engagement are one of the largest untapped and underutilized resources available to the school community. In order to support and sustain the culture and climate that is fostered in the school, families need to be included. Families, and by extension communities, are a students' first teachers. They provide the support and reinforcement of values and expectations beyond the school hours. Working from the expanded definition of family engagement provided by Dr. Heather Weiss of the Harvard Family Research Center¹⁰ gives common understanding of the scope of family engagement.

"First, family engagement is a shared responsibility in which schools and other community agencies and organizations are committed to reaching out to engage families in meaningful ways and in which families are committed to actively supporting their children's learning and development.

Second, family engagement is continuous across a child's life and entails enduring commitment but changing parent roles as children mature into young adulthood.

Third, effective family engagement cuts across and reinforces learning in the multiple settings where children learn- at home, in prekindergarten programs, in school, in after school programs, in faith-based institutions, and in the community."

Successful education must be a collaborative effort, including all stakeholders involved. The responsibility for a students' education begins at home; however, it does not end there. Families can contribute to the school community in meaningful ways. Engaging families within the school on multiple levels impacts the climate of the school on many levels. Students know that families are invested in and supportive of their continuing education. A true partnership can be formed.

A safe and caring school climate has a positive impact on student learning. Just as the perceptions regarding the school climate impact the morale and achievement of students, the perceptions regarding the value of a students' family affect the impact that schools have on students. This leads to an increase in respect between all stakeholders. Developing a mutually respectful relationship between the school, student and family provides ongoing support for integrating positive behavioral support. Promoting a safe and supportive school where families with a wide range of cultural and educational backgrounds can collaborate, shows that all learners are welcome and valued. Many of the cultural and economic barriers can be addressed by engaging families in the climate of the school. Parental figures have the opportunity to provide positive role models for their children as well as others. Interaction with teachers and students increases family confidence and comfort with interactions with the school which benefits all involved.

¹⁰ <http://www.hfrp.org/family-involvement/informing-family-engagement-policy>

SECTION VI: RESTORATIVE APPROACHES AND PROGRESSIVE DISCIPLINE

One of the Dignity Act's underlying premises is that preventive and non-punitive intervention in response to incidents of discrimination and/or harassment, where appropriate, can be an effective way to foster school environments free from harassment and discrimination (see Education Law §§10, 13). Schools are, therefore, encouraged to use a wide range of intervention measures to address discrimination and/or harassment, including, where appropriate, 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.

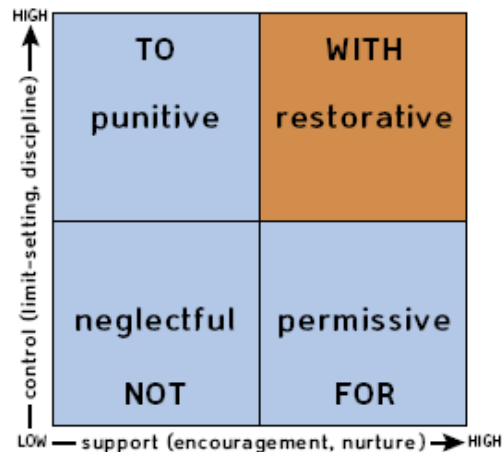
- **Restorative Enquiry/Restorative Discussion:** This method uses active listening and other conflict resolution communication skills. Using a collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution.
- **Target/Offender Mediation:** During mediation, an individual or group acknowledges s/he has harassed, bullied, or discriminated against another person and both the person who engaged in the behavior and the person who was harassed, bullied, or discriminated against 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 target/offender mediation. Regardless of the circumstances, the mental and physical health, safety and welfare of the individual who was harassed, bullied, or discriminated against is of paramount importance when considering this option in a school setting and should not be used when the offender (individual who has initiated the incident) may intimidate or coerce or attempt to intimidate or coerce the other person.
- **Formal Restorative Conference:** A circle process in which individuals who have acknowledged engaging in the behavior are brought together with those who have been harassed, bullied, or discriminated against. 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 parties 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 harassed, bullied, or discriminated against is of paramount importance when considering this option in a school setting.

A restorative approach emphasizes values of empathy, respect, honesty, acceptance, responsibility, and accountability. Restorative approaches:

- Provide ways to effectively address behavior and other complex school issues;
- Offer a supportive environment that can improve learning;
- Improve safety by preventing future harm;
- Offer alternatives to suspension and expulsion.

A restorative approach can provide opportunities to socialize youth and teach them how to be productive members of society. The discipline process includes learning how to control one's impulses and honing pro-social skills. Disciplinary responses to misbehavior may also employ varying levels of support and control. Paul McCold and Ted Watchel have described four general approaches to social

discipline: neglectful, permissive, punitive, and restorative.¹¹ Restorative discipline combines strict control and strong support of youth, and approaches wrongdoing in a way that is not punitive, neglectful, or permissive. The following diagram developed by McCold and Watchel illustrates this principle:



According to the International Institute for Restorative Practices¹², the:

“restorative approach, with high control and high support, confronts and disapproves of wrongdoing while affirming the intrinsic worth of the offender. The essence of restorative justice is collaborative problem-solving. Restorative practices provide an opportunity for those who have been most affected by an incident to come together to share their feelings, describe how they were affected and develop a plan to repair the harm done or prevent a reoccurrence. The restorative approach is reintegrative, allowing the offender to make amends and shed the offender label.”

Inclusion in the disciplinary process is a basic tenet of restorative justice. Students, as well as teachers, should be included as members of the school community. Restorative disciplinary practices within schools are more supportive, inclusive, and educational than other approaches. In reaching the goals of restorative discipline, experts recommend:

- Creating caring climates to support healthy communities;
- Understanding the harm and developing empathy for both the person engaged in the behavior and person who was harassed, bullied, or discriminated against;
- Listening and responding to the needs of the person engaged in the behavior and person who was harassed, bullied, or discriminated against;

¹¹ http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/paradigm.pdf

¹² http://www.iirp.edu/article_detail.php?article_id=NDI0

- Encouraging accountability and responsibility through personal reflection within a collaborative environment;
- Reintegrating the person engaged in the behavior into the community as a valuable, contributing member of society;
- Changing the system when it contributes to harm.

Fostering a restorative school culture

Schools may implement restorative approach in varying degrees, from a single program to a permeating school philosophy. A restorative approach can be implemented through daily practices used by everyone in the school, from administrators to students, or as a formal program available to students who have violated school rules.

Restorative practices involve youth and promote awareness, understanding, sharing, and learning. Classroom discussions may be held to set behavior standards. Rather than a teacher prescribing rules of conduct, students are given the opportunity to explore and determine how to create a positive community. Routine classroom meetings allow students to share their feelings, discuss classroom issues and learn how to solve problems in a democratic setting.

Recommendations to implement good restorative practices in schools include:

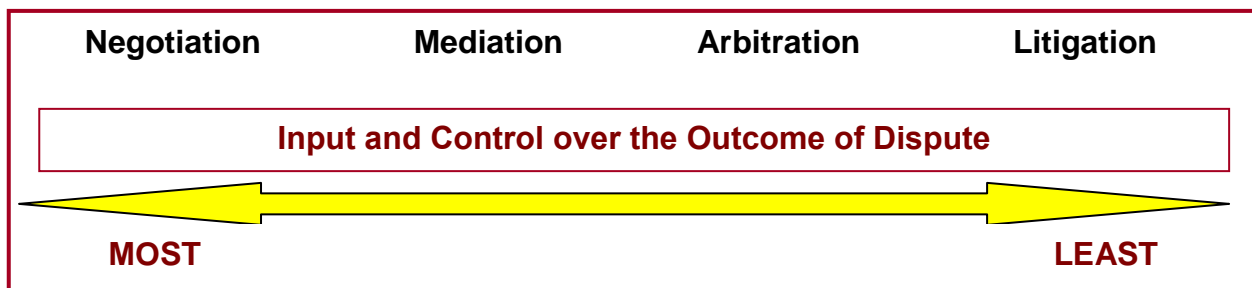
- Fostering awareness on how all have been affected by behavior and encourage expression of feelings;
- Avoiding scolding or lecturing.
- Avoiding a culture of humiliation.
- Actively involving students.
- Accepting ambiguity. Fault and responsibility may be unclear.
- Separating the deed from the doer, recognize students' worth and disapprove of their wrongdoing.
- Seeing instances of wrongdoing and conflict as an opportunity for learning. Turn negative incidents into constructive ones by building empathy and a sense of community.

Youth can be included in all aspects of discipline, including preventing and dealing with conflict. Classroom problem-solving that incorporates restorative practices may include:

- Developing trusting and caring relationships between adults and students.
- Fostering skills to resolve conflict, such as listening, empathy, critical thinking, and self-control.
- Determining what has happened and why by asking questions and listening to the answers.
- Maximizing student involvement in deciding how to resolve problems.
- Resolving problems with open-ended questions, exploring different responses, reflecting on motives, and allowing for disagreement.
- Assisting students in considering ways to make amends for misbehavior, such as replacing, repairing, cleaning, or apologizing.
- Following up to determine whether the problem was solved or more work needs to be done.
- Encouraging reflection.
- Allowing flexibility for different students, needs, and situations.
- Minimizing the punitive impact when control is necessary to repair the relationship and address underlying issues.

Conflict

Conflict resolution refers to various processes that may be used to facilitate resolution of a conflict between two or more disputants. Most non-violent conflict resolution falls into one of the following four categories:



Collaborative Negotiation: The most direct method of conflict resolution is collaborative negotiation in which one or both disputants knows and understands the strategies and skills needed to talk through a conflict.

An individual trained in collaborative negotiation knows how to facilitate a direct conversation with the person with whom s/he is in conflict. During the collaborative

negotiation process, s/he will articulate her/his position and underlying need(s), surface the position and underlying need(s) of the person with whom s/he is in conflict and reframe the conflict into a mutual problem to be resolved by both parties.

The goal of a collaborative negotiation is to arrive at a mutually agreed upon resolution that meets the needs of both parties.

Mediation: Mediation is a collaborative negotiation which is facilitated by a neutral third party - the trained mediator.

At the start of the mediation, a trained mediator will lay out the ground rules for the mediation process. During the mediation, the mediator will facilitate a conversation between the two disputants to surface the position and underlying need(s) of each person and reframe the conflict into a mutual problem to be resolved by both parties.

The goal of a mediation is for the two disputants to arrive at a mutually agreed upon resolution that meets the needs of both parties.

Peer Mediation: Peer mediation involves an impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between parties who are in conflict so that they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to the conflicting points of view that the disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is often not used in situations in which one individual has been victimized by another.

The Difference between Negotiation and Mediation versus Arbitration and Litigation:

In both the negotiation and mediation process, the resolution of the conflict is arrived at by the individuals who are personally involved in the conflict. In arbitration and litigation, the decision as to how a conflict is resolved is removed from the individuals involved.

- In arbitration, a neutral third party hears both sides of the conflict and decides upon the resolution. While each disputant provides his or her side of the story, neither disputant has input or control over the final resolution.
- Disputants in litigation are further removed from the resolution process. Generally they do not present their own case. In most instances, a disputant's case is presented by an attorney and regardless of whether or not a disputant represents her/himself in litigation process; s/he has no control over the resolution. Either a judge or jury ultimately decides the final resolution.

Guidance for a Progressive Student Discipline Process

The Code of Conduct shall include: a progressive model of student discipline to respond to acts of harassment, bullying, including cyberbullying, and/or discrimination

that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, intervention discipline, and education, and considers among other things, the nature and severity of the student perpetrator's behavior(s), the developmental age of the student perpetrator, the student perpetrator's history of behaviors in violation of the code of conduct and other extenuating circumstances, and the impact the student perpetrator's behaviors had on the individual(s) who was physically injured or emotionally harmed. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

Guiding Principles

1. Disciplinary action shall be in response to alleged violations of the student code of conduct established and approved by local board policies.
2. Due process procedures required by federal and state law will be followed. The degree of disciplinary action will be in proportion to the severity of the misbehavior.
3. Each incident of inappropriate behavior is unique in terms of situational variables. Similarly, disciplinary action will reflect consideration of a number of factors specific to the student involved in the incident.
4. The model will strive for a safe and orderly student learning environment through a systematic process of behavioral correction. Inappropriate behaviors are followed by consequences. Inappropriate behaviors are substituted with those that are consistent with the character traits identified in character and civility training required by New York State law.
5. Students in violation of the code of conduct cannot be assumed to have had sufficient instruction and/or practice in utilizing the particular character trait(s) related to the misbehavior. As such, disciplinary action should include engaging students in activities/events that reflect desirable character traits.
6. Parents are viewed as integral partners to be utilized when addressing students' misbehavior.
7. It is preferable to reassign disruptive students to isolated and individual oriented in-school suspension programs or alternative educational settings rather than to suspend or expel such students from school.

Alternatives to Exclusionary Discipline

The Southern Poverty Law Center has identified several successful alternatives to suspension or other forms of exclusionary discipline for student misbehavior that does not require removing the student from school in order to ensure safety of the school community.

Emphasize Behavioral Expectations

- Reemphasize behavioral expectations at the time the student misbehaves.
- Employ behavior contracts to establish and reinforce behavioral expectations.

Collaborate with Parents/Guardians

- Create a protocol for involving parents in discipline issues.
- Hold a meeting with a student and his or her parent/guardian to provide feedback on misbehavior.

Model Constructive Conflict Resolution

- Mediate conflicts between students and/or students and staff.
- Use restorative justice circles to resolve disputes.

Address the Root Cause of Misbehavior

- Require students to attend workshops on anger management or building self-esteem.
- Refer misbehaving students to a counselor, social worker, or behavior interventionist and/or arrange for students to receive services from a counseling, mental health, or mentoring agency.

Keep Students in Schools

- Require students to attend in-school suspension during lunchtime, afterschool, or on weekends, during which time they work on homework. Do not remove students from class as punishment for being tardy or misbehaving.
- Adjust the student's class schedule or placement to maximize academic and behavioral improvement.

Keep Students Accountable

- Match at-risk students with an adult mentor at school with whom they can check in at the beginning and end of each school day.
- Require daily or weekly check-ins with an administrator for a set period of time.

Use Alternatives that Teach Good Behavior

- Require students to perform community service.

- Require students to engage in a reflective activity, such as writing an essay about his/her misbehavior and how it affected others and/or the school community, and work with students to choose an appropriate way for him/her to apologize and make amends to those harmed or offended (Restorative Justice).

SECTION VII: INTERNET SAFETY AND ACCEPTABLE USE POLICIES (AUP)

Internet safety refers to the countless issues facing students due to the widespread use of the Internet, including the need to keep children and all users safe while online. Incidents of harassment, discrimination and/or bullying can begin or spread online (see Section VIII of this document for a discussion of cyberbullying). Therefore, it is recommended that schools and districts examine policies to ensure safe and responsible Internet use by students and teachers.

In accordance with Education Law §814 relating to courses of study on Internet Safety, the State Education Department (NYSED) provides assistance and resources to schools concerning the safe and responsible use of the Internet. Under both the federal and state law, school districts are required to teach students about safe and responsible use of the Internet. One such resource is a rubric to assist school administrators and educators with reviewing their instructional programs with a focus on Internet safety. Please see:

http://www.p12.nysed.gov/technology/internet_safety/InternetSafetyProgramEvaluationrubric.html.

An AUP serves as the guideline for the use of Internet, web-based products, and computer access provided by school districts. The AUP is a written agreement outlining the terms and conditions for the use of technology-based devices maintained by schools and may include provisions related to personal technology-based devices used during school hours on school property.

It is strongly suggested that administrators consult their school attorney with specific questions or concerns related to Internet safety and AUP.

For more information and guidance on Internet use at school and the AUP, please see:

http://www.p12.nysed.gov/technology/internet_safety/.

The Children's Internet Protection Act (CIPA)

CIPA is the primary federal law concerning access to offensive content over the Internet on school and library computers (<http://fcc.gov/cgb/consumerfacts/cipa.html>). According to the Federal Communications Commission, requirements of this law include:

- Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an internet safety policy that includes technology protection measures. The protection measures must block or filter internet access to pictures that are: (a) obscene; (b) child pornography; or

(c) harmful to minors (for computers that are accessed by minors). Before adopting such an internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.

- Schools subject to CIPA are required to adopt and enforce a policy to monitor online activities of minors.
- Schools and libraries subject to CIPA are required to adopt and implement an internet safety policy addressing: (a) access by minors to inappropriate matter on the internet; (b) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including so-called “hacking,” and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors’ access to materials harmful to them.

Internet Safety Policies

In light of these requirements, a school district should revisit its policy regarding the use of social networking web sites and Instant Messaging Centers. A decision needs to be made as to whether the school district supports the use of these sites to encourage communication between staff, students, and persons in parental relation to students. If it encourages the use of these sites for such communications, it is wise to establish parameters to ensure that staff, students, and persons in parental relation to students are not placed at risk. There are many resources available for teaching internet safety in your school or district, including free lesson plans.

SECTION VIII: GUIDANCE ON BULLYING AND CYBERBULLYING

A. Cyberbullying Generally

The U.S. Department of Health and Human Services National Bullying Prevention Campaign: *Take a Stand. Lend a Hand. Stop Bullying Now!*” defines bullying as aggressive behavior that is intentional and involves an imbalance of power or strength. It is generally repeated over time. Traditionally, bullying has involved actions such as hitting or punching (physical bullying), teasing or name-calling (verbal bullying), or intimidation through gestures or social exclusion.

In recent years, technology has given people a new means of bullying each other. Cyberbullying takes place through the use of computers, cell phones and other electronic devices. Examples of cyberbullying include:

- Sending hurtful, rude, or mean text messages to others

- Spreading rumors or lies about others by e-mail or on social networks
- Creating websites, videos or social media profiles that embarrass, humiliate, or make fun of others

Bullying online is very different from face-to-face bullying because messages and images can be:

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

www.stopbullying.gov/topics/cyberbullying/

Awareness and support of student behavior are often overlooked aspects of a comprehensive policy for dealing with issues of bullying and cyberbullying. As a result, students who are targeted often become alienated due to the fact that they are simply unsure of the appropriate steps to take to address the situation. To ensure that these circumstances do not occur, school administrators are strongly encouraged to provide support for students through guidance, social work, and/or psychological services in the district. Schools are also encouraged to include local social service agencies in this process.

Cyberbullying can be understood in a variety of ways, but all include the following: it is deliberate, harmful, uses electronic technologies and is usually repeated over time. An imbalance of power is usually involved, but may be more difficult to describe since it may come from having proficiency with technology, or due to having possession of some information or content that can be used to harm someone else. The most common forms of cyberbullying include: harassment, flaming, cyberstalking, denigration, impersonation, sexting, happy slapping, outing, and trickery. Definitions for these terms may be found in the Glossary located in **Appendix A**.

One incident of bullying is too many. Bullying in general, and cyberbullying in particular, are becoming increasingly important concerns to educators, students, and parents and have created new challenges for school administrators in their efforts to create and maintain safe and secure learning environments. Students need to feel safe in order to maximize their academic and social potential.

Threats of cyberbullying and its continuous exposure to students make this a particularly important topic for all school building administrators, teachers, and support staff to address. The fact that cyberbullying has no geographic boundaries adds another level of complexity to the issue. Thus, students require clear and unambiguous guidance so they do not become overwhelmed or feel as though they have to manage the bullying alone. This guidance provides educators with policy, program, and legal considerations for dealing with the issues of bullying, cyberbullying, and general internet safety. It is also designed to assist schools in developing a comprehensive approach for

dealing with these issues, which, if left unaddressed, can lead to the creation of unsafe school environments.

Educators are encouraged to consult with the attorney in their school district during the development of their bullying, cyberbullying, and Internet safety policies, particularly with regard to investigating cyberbullying and disciplining students.

For additional guidance and recommendations, see the *Dignity Act Guidance for Local Implementation* and the *Dignity Act Guidance for Updating Codes of Conduct* at: <http://www.p12.nysed.gov/dignityact/resources.html>.

B. Cyberbullying and the Dignity Act

As discussed above, the Dignity Act prohibits discrimination and harassment of students by other students or district employees on school property, school buses, and at school sponsored extra-curricular events or activities.

In recognition of the dangers of cyberbullying and related conduct that can occur “off-campus,” the 2012 amendments to the Dignity Act broadened the definition of harassment and bullying to mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or **(d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property** (Education Law §11[7]).

The Dignity Act defines “cyberbullying” as harassment or bullying that occurs through any form of electronic communication (Education Law §11[8]). Cyberbullying can include, among other things, harassment by way of email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, tweeting, or social media websites. It is important to note that the regulation of off-campus conduct that is in the form of verbal or written speech--whether communicated face-to-face, in writing or electronically--may implicate the First Amendment rights of the speaker. The extent of a school’s responsibility and/or authority to address off-campus harassment or bullying in the form of speech depends upon the specific facts of each unique situation. As a result, this guidance cannot establish bright-line rules. Rather, districts are urged to review each fact pattern with their school attorney to determine the proper bounds of school responsibility and/or authority in a particular case.

The Dignity Act’s prohibition of off-campus harassment and cyberbullying (whether originating on- or off-campus) is grounded in Supreme Court precedent as articulated in Tinker v. Des Moines Indep. Community School District, 393 US 503 (1969). The

Tinker court held that school administrators may prohibit student expression where it “materially and substantially disrupt[s] the work and discipline of the school.” The Second Circuit Court of Appeals (the federal appeals court with jurisdiction over New York schools) has followed Tinker in two cases involving student speech, Doninger v. Niehoff, et al., 527 F. 3d 41 (2d Cir. 2008) and Wisniewski v. Board of Education of the Weedsport Central School District, 494 F.3d 34 (2d Cir. 2007), cert. denied 552 US 1296 (2008).

In both cases, the court found that disciplining students for off-campus speech did not violate those students’ First Amendment rights because, in the words of the Doninger court, “a student may be disciplined for expressive conduct, even conduct occurring off school grounds, when the conduct would ‘foreseeably create a risk of substantial disruption within the school environment’, at least when it was similarly foreseeable that the off-campus expression might also reach campus” (Doninger, 527 F.3d at 48).

The Dignity Act has incorporated the Tinker test, as followed by the New York courts in Doninger and Wisniewski, in its prohibition of harassment (including cyberbullying) which “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” (Education Law §11[7]).

In Cuff v. Valley Central School District, a student’s First Amendment rights were not violated when he was suspended for drawing a picture in class expressing a wish to “[b]low up the school with the teachers in it”. The Second Circuit reiterated that in the context of student speech favoring violent content, school officials may take disciplinary action when it can be demonstrated that the facts might reasonably have led them to forecast substantial disruption of or material interference with school activities: “This test does not require school administrators to prove that actual disruption occurred or that substantial disruption was inevitable. Rather, the question is ‘whether school officials might reasonably portend disruption from the student expression at issue’” (677 F3d 109, 112-113 [2d Cir. 2012]).

While school officials have broad authority to protect the school environment from substantial disruption, that authority is not without limitation. School officials must, therefore, analyze the facts of each unique situation to determine whether speech can be curbed or whether doing so would violate a student’s First Amendment rights.

The discipline of the student who has engaged in harassment is only one tool for combating harassment. Districts are encouraged to provide support to the targeted student and to talk with the accused student. As discussed above and throughout this guidance, the Dignity Act requires schools to act proactively to create a school environment and culture that is free of harassment through training, education, policy and guidelines. The more effective the measures are that prevent harassment from occurring in the first instance, the less likely schools will be required to engage in the complex act of balancing student safety against First Amendment rights. Because this

area of the law continues to evolve, NYSED recommends that districts, BOCES and charter schools continue to consult with their attorneys in developing and reviewing policies on bullying, cyberbullying and sexting to insure that implementation at the local level is consistent with law and students' rights.

The Code of Conduct should also include statements that make it abundantly clear that cyberbullying is a form of harassment and bullying and that both it and sexting are unacceptable and inappropriate and on school grounds or at school-sponsored events or functions, using either school or personal technology. Sexting incidents should be reported on the VADIR in either intimidation, harassment, menacing or bullying (IHMB category 10) or other disruptive incidents (category 20), provided these reporting thresholds are met: the incident is violent/disruptive; it occurred on school property/school sponsored events; and it merits or would merit disciplinary actions. Disciplinary or referral actions may potentially include the following:

- Referral to counseling;
- Restorative approaches
- Teacher removal (formal 3214 hearing);
- Suspension from class or activities; in-school equivalent of one full day; Activities or transportation for five (5) consecutive school days;
- Out of school suspension: equivalent of one full day;
- Transfer to alternative setting; or
- Referral to law enforcement

This guidance is meant to provide ideas to address the issue of cyberbullying. You are invited to contact the NYS Education Department's [Office of Student Support Services](#) at (518) 486-6090 or the www.p12.nysed.gov/dignityact if you require additional assistance.

APPENDIX A

Dignity for All Students Act (Dignity Act) Glossary and Acronym Guide

Dignity Act Glossary

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 integrate civility, citizenship, and character education into the public school curriculum.

The Dignity Act explicitly provides that no student be subjected to harassment and/or bullying by employees and/or students on school property or at a school function nor shall any student be subjected to discrimination 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 (Education Law §12; [see www.regents.nysed.gov/meetings/2011Meetings/June2011/611p12d4.pdf](http://www.regents.nysed.gov/meetings/2011Meetings/June2011/611p12d4.pdf)).

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 and state agencies, international groups, and/or other organizations. These definitions are included here for reference purposes to further assist school districts, BOCES and charter schools in their Dignity Act implementation efforts. It is recommended that districts, BOCES, and charter schools consult with their attorneys regarding implementation of the Dignity Act.

Section I – Dignity Act Statutory and Regulatory Definitions

Cyberbullying means harassment or bullying as defined in Education Law §11(7)(a), (b), (c), and (d), that occurs through any form of electronic communication (Education Law §11[8]).

www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf

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.

Emotional Harm that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education (8 NYCRR §100.2[1][2][ii][b][5]).

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]).

Gender means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).¹³

¹³ 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/

Harassment and bullying means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, 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 reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7]).

Material Incident of Harassment, Bullying, and/or Discrimination is defined in 8 NYCRR 100.2(kk)(1)(ix) as a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a verified incident or a series of related verified incidents of harassment or bullying that occur off school property where such acts create 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, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee.

Material incidents of harassment, bullying, and/or 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.

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]).

School Property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1] and Vehicle and Traffic Law §142).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).¹⁴

Section II – Dignity Act-Related Terms Definitions

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

Bias-motivated conduct may include a pattern of threatening verbal harassment or cyberbullying, the use of force, intimidation or coercion, and defacing or damaging real or personal property. For more information see: www.nyc.gov/html/cchr/html/bias.html

Bullying has been described by the U.S. Department of Education as unwanted, aggressive behavior 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:** Individuals 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.
- **Intent to Cause Harm:** The person bullying has a goal to cause harm. Bullying is not accidental.
- **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:

<u>Verbal:</u>	Name-calling, teasing, inappropriate sexual comments, taunting and threatening to cause harm.
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¹⁴ 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

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.

For more information see: www.stopbullying.gov/what-is-bullying/index.html

Cyberstalking - Repeated harassment that includes threats of harm or that is highly intimidating and intrusive upon one's personal privacy.

Denigration – “Dissing” someone online. Sending or posting cruel gossip or rumors about a person to damage his or her reputation or friendships.

Ethnicity - 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.

It is important to consider both how a student self-identifies and how he or she is perceived in the school when determining if race and/or ethnicity were the basis of discrimination or harassment directed at the student.¹⁵

(<http://unstats.un.org/unsd/demographic/sconcerns/popchar/popcharmethods.htm>)

While the terms “race” and “ethnicity” have similarities, they are not identical concepts. For example, a student may self identify as both “Black” and “Latino”. “Black” may describe their race and “Latino” (an ethnic term), may indicate their ancestry, family and/or language traditions. Neither of these terms describes the student's national origin. As such, in this example they may be American, Cuban, Dominican, Guatemalan, etc.

Flaming - Online fights using electronic messages with angry and vulgar language.

Gender Identity and Expression 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. This has also 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.

www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

Gender identity is not the same as sexual orientation—people of all different orientations can identify and express their gender in many different ways. Students may face harassment or

¹⁵ See, Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610 (1987)

bullying because they are “gender non-conforming,” meaning they express their gender in a way that does not conform to society’s expectations, regardless of their sexual orientation.

Happy Slapping - An extreme form of bullying where physical assaults are recorded on mobile phones or digital cameras and distributed to others.

Impersonation - Breaking into someone’s account, posing as that person and sending messages to make the person look bad, get that person in trouble or danger, or damage that person’s reputation or friendships.

LGBTQ is an acronym that stands for lesbian, gay, bisexual, transgender, queer, or questioning. Lesbian, gay, and bisexual are terms used to describe a person’s sexual orientation; people of all different orientations can identify and express their gender in many different ways. Students may face harassment or bullying because they are “gender non-conforming,” meaning they express their gender in a way that does not conform to society’s expectations, regardless of their sexual orientation and whether or not they identify as transgender. For more information, see: www.prideagenda.org/issues-explained/transgender-equality-and-justice/quick-facts.aspx

Microaggressions - Brief, everyday exchanges, verbal and non-verbal, that send messages to certain individuals that because of their group membership, they have little worth. These small exclusions, expressions, and gestures can affect the quality of life and standard of living for students who are members of marginalized groups, and they create disparities in education. They are often overlooked as contributing to negative school climate. Some examples include:

- Avoiding an empty seat in class because it is next to a larger girl.
- Heavy sighing to indicate disapproval each time a student of a particular race walks into the classroom.
- Leading classroom discussions that assume all students are heterosexual, for example, using classroom materials that define marriage as between a man and a woman.
- The common phrase “that’s so gay” is not directed at individuals, but consistently reinforces that “gay” is negative or undesirable.

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

It is important to consider both how the student self-defines his or her national origin, and how he or she is perceived by others in the school. For example, students of South Asian descent may be harassed by other students who *perceive* them to be of Arab descent; regardless of the fact that the students are not actually Arab-American, this harassment would be based on their perceived national origin.

Persistent and/or Pervasive: These terms are often used in the context of harassment lawsuits brought under federal civil rights laws. While they are not used in the text of the Dignity Act, they can act as guideposts for schools in determining the seriousness of student behavior. These terms are often used to distinguish behavior that is not particularly severe and therefore may go unnoticed.

- Persistent refers to behavior that may not be particularly significant in one incident but that is repeated over time in such a way that it creates a hostile environment. For example, a student shoves another student every day in the hallway. The shoves aren't serious and don't cause injury, but over the course of weeks or months they can contribute to the school becoming a hostile environment for the targeted student.
- Pervasive refers to behavior that is relentless and encompasses an entire school building, classroom, or other situation. For example, a gay student who is not necessarily targeted by one other student but is called various slurs on a day-to-day basis, is excluded from peer groups, and experiences a classroom learning environment that reinforces his "otherness" (for example, a textbook that defines marriage as between a man and a woman) could be said to be experiencing pervasive harassment leading to a hostile environment.

Outing - Sharing someone's secrets or embarrassing information online.

Race has been described by the National Center for Education Statistics as the groups to which individuals belong, identify with, or belong in the eyes of the community. It is important to consider both how a student self-identifies and how he or she is perceived in the school when determining if race and/or ethnicity were the basis of discrimination or harassment directed at the student.

<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. However, this is not a complete list of races or ethnicities that are protected by the Dignity Act—the Dignity Act protects students against harassment, discrimination, or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Example: A student with dark skin may be harassed for being "black" in a majority white school, and is entitled to the same protection regardless of whether the student identifies as African, Caribbean, South Asian, Latino, or Pacific Islander. It is likely that schools will experience instances where a student's experience is based on a combination of both race and ethnicity (and other factors as well).

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/popcharmehods.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

As noted above, religion may be defined, according to the United Nations, as either religious or spiritual belief or 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/popcharmehods.htm#J>

Therefore, a student's belief system may come from a recognized religious authority, or it may not; either way, the student is entitled to the same protection from discrimination and harassment based on his or her actual or perceived religion or religious practice at school. Harassment, based on a student's religion, could be, for example, other students mocking him for being Jewish; discrimination, based on a student's religious practice, for example, could be a teacher requiring that a student remove a head covering required by the student's religion.

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.

For more information see: <http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf>

Sex – Sex is the biological and physiological characteristics that define men and women. Sex is different than gender, and people may have gender identities or gender expressions that differ from their sex. Sex and gender discrimination and harassment may also overlap, particularly when a student is gender-non-conforming, meaning he or she expresses his or her gender in a way that does not conform to society's expectations. Harassment directed toward that student may take the form of both sexual harassment and gender harassment.

Some examples:

- Male students catcalling at a female student in the hallway is harassment based on sex. Male students making comments about another boy's body in the locker room is also harassment based on sex.
- A student bullying a female classmate because she shaves her head is harassment based on *gender*. The bullying is based on the other students' belief that she has a "boys' haircut" and is "acting like a boy;" in other words, she is bullied because she doesn't conform to gender stereotypes about girls.

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 as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.

For more information see:

www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=4131 and 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

Transgender is not a sexual orientation; transgender students can be gay, straight, bisexual, etc. just like any other student. Transgender people can “transition,” meaning they can begin to express their gender identity differently than what is expected of them, at any time in their lives, including childhood. An example of discrimination against a transgender student would be the school refusing to use his preferred gender pronoun and preferred name in class.

Trickery - Tricking someone into revealing secrets or embarrassing information which is then shared online.

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 of 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

APPENDIX B

Federal Law Requiring Nondiscrimination Policies

A school's obligations under the Dignity Act do not change its obligations to adopt nondiscrimination policies required under federal law (Titles II, VI, IX and Section 504).

For guidance on federal nondiscrimination policy, see the U.S. Department of Education Office for Civil Rights at: www2.ed.gov/about/offices/list/ocr/policyoverview.html

The U.S. Department of Education Office for Civil Rights recommends the following language:

The (Name of School or District) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.¹ The following person has been designated to handle inquiries regarding the non-discrimination policies:

Name and/or Title; Address; Telephone

It is the policy of the _____ to provide educational and employment opportunities without regard to race, color, religion, creed, ethnicity, national origin, age, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender (sex), military status, prior record of arrest or conviction, except as permitted by law, predisposing genetic characteristics, or status as a victim of domestic violence, sexual offenses and stalking, and to maintain an environment free of harassment on any of the above-noted grounds, including sexual harassment or retaliation.

This policy is in accordance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Age Discrimination in Employment Act of 1967, Section 503 and Section 504 of the Rehabilitation Act of 1973, Fair Labor Standards Amendments of 1974, Immigration Reform and Control Act of 1986, The Americans with Disabilities Act of 1990, Civil Rights Act of 1991, New York State and City Human Rights Laws and Provisions of Non-Discrimination in Collective Bargaining Agreements of the _____.

NOTIFICATION OF NON-DISCRIMINATION POLICY postings should be conspicuously displayed in universal areas throughout all _____ sites, in appropriate languages.

Postings are designed to inform employees, persons in parental relation, students, and applicants for employment of the Department's policy on Non-Discrimination.

APPENDIX C

Selected Resources to Assist in the Implementation of the Dignity Act

The State Education Department and the Dignity Act Task Force do not endorse any commercial or for-profit programs.

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Alaska Native Knowledge Network (ANKN)</p> <p>http://ankn.uaf.edu/Resources/course/view.php?id=2</p> <p>This site is an illustration of standards developed by Alaska Native educators to provide a way for schools and communities to examine the extent to which they are attending to the educational and cultural well-being of the students. These “cultural standards” provide guidelines or touchstones against which schools and Teachers can access free lesson plans written by teachers for elementary, middle, and high school by subject and topic.</p>			◆		◆		
<p>American Federation of Teachers (AFT)</p> <p>www.aft.org/yourwork/tools4teachers/bullying/index.cfm</p> <p>The AFT represents pre-K through 12th-grade teachers; paraprofessionals and other school-related personnel; higher education faculty and professional staff; federal, state and local government employees; and nurses and other healthcare professionals. Bullying is an act that extends beyond the school campus and is prevalent online. The goal of the AFT’s, “See a Bully, Stop a Bully: Make a Difference” program is to raise awareness and provide resources to educators, students and parents.</p>	◆				◆	◆	◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>American Psychological Association (APA)</p> <p>www.apa.org/helpcenter/bullying.aspx</p> <p>The mission of the APA is to advance the creation, communication and application of psychological knowledge to benefit society and improve lives. The web site - <i>Bullying: What Parents, Teachers Can Do to Stop It</i> includes information from Susan Swearer, PhD.</p>	◆				◆		◆
<p>Anti-Defamation League (ADL): A World of Difference Institute</p> <ul style="list-style-type: none"> • www.adl.org/combatbullying/BeAnAlly.pdf (be an ally) • www.adl.org/education/curriculum_connections (curriculum) • www.adl.org/prejudice/default.asp (prejudice) <p>The ADL fights anti-Semitism and all forms of bigotry through information, education, legislation, and advocacy. ADL serves as a resource for government, media, law enforcement, educators, and the public. The ADL A World of Difference Institute® provides anti-bias education with curriculum and materials available for pre-K through college, community groups, corporations, religious organizations, and law enforcement. The program provides teachers with lessons to help students explore prejudice, examine diverse viewpoints, and take leadership roles.</p>	◆		◆	◆	◆	◆	◆
<p>Bridging Refugee Youth and Children's Services (BRYCS)</p> <p>www.brycs.org/clearinghouse/Highlighted-Resources-Bullying.cfm</p> <p>BRYCS is the Office of Refugee Resettlement's national technical assistance provider on refugee child welfare. BRYCS assists service providers from refugee resettlement agencies, as well as child welfare and schools, and ethnic community based organizations.</p>	◆		◆		◆		

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Brown University</p> <p>www.alliance.brown.edu/tdl</p> <p>"Teaching Diverse Learners" was developed as part of the National Leadership Area for the Northeast and Islands Regional Educational Laboratory (LAB), a program of the Education Alliance at Brown University. The goal is to help teachers work effectively and equitably with English language learners (ELLs) by providing access to research-based information, strategies, and resources for addressing the concerns of ELLs in the classroom and beyond.</p>			◆				
<p>California Department of Education</p> <p>http://chks.wested.org</p> <p>The California Healthy Kids Survey (CHKS) is the largest statewide survey of resiliency, protective factors, and risk behaviors in the nation.</p>						◆	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Centers for Disease Control and Prevention (CDC)</p> <p><i>Best Practices of Youth Violence Prevention: A Sourcebook for Community Action</i> is the first of its kind to look at the effectiveness of specific violence prevention practices in four key areas: parents and families; home visiting; social and conflict resolution skills; and mentoring. www.cdc.gov/violenceprevention/pub/YV_bestpractices.html</p> <p>The CDC Division of Adolescent and School Health web page on LGBTQ youth and bullying includes advice and resources on how teachers and school administrators can prevent bullying in schools, and what parents can do to support their children. www.cdc.gov/lgbthealth/youth.htm</p>	◆	◆			◆	◆	
<p>City College of San Francisco</p> <p>www.ccsf.edu/Resources/Tolerance</p> <p>This site offers lessons that promote tolerance, justice, and a deeper appreciation of differences. There are additional links to other tolerance resources.</p>					◆		
<p>Collaborative for Academic, Social and Emotional Learning (CASEL)</p> <p>http://casel.org</p> <p>CASEL's mission is to establish social and emotional learning as an essential part of education.</p>						◆	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Common Sense Media</p> <p>www.commonsensemedia.org/educators/cyberbullying-toolkit</p> <p>A nonprofit organization, offers a free Digital Literacy & Citizenship Curriculum to help educators empower students to be safe. Common Sense provides online access to videos, discussion guides, tip sheets, and presentations to share with parents to reinforce classroom learning. It offers <i>Standing up, Not Standing By: A Free Cyberbullying Toolkit for Educators</i>.</p>	◆		◆	◆	◆		
<p>Connect Safely</p> <p>www.connectsafely.org</p> <p>ConnectSafely.org is for parents, teens, educators, advocates - everyone engaged in and interested in the impact of the social Web. ConnectSafely.org also has all kinds of social-media safety tips for teens and parents, the latest youth-tech news, and many other resources.</p>				◆			
<p>Cyberbullying Research Center</p> <p>www.cyberbullying.us</p> <p>Provides up-to-date information about the nature, extent, causes, and consequences of cyber bullying among adolescents. Research on cyberbullying is discussed in blogs, videos, and publications.</p>				◆			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Facing History and Ourselves</p> <p>www.facinghistory.org/resources/collections/bullying</p> <p><i>Facing History and Ourselves delivers classroom strategies, resources and lessons that inspire young people to take responsibility for their world. Internationally recognized for its quality and effectiveness, Facing History supports schools in New York City. The website contains resources and tools for teachers and students.</i></p>	◆		◆		◆		
<p>Gay, Lesbian, Straight, Education Network (GLSEN)</p> <p>www.glsen.org/cgi-bin/iowa/all/educator/index.html</p> <p>(educator resources)</p> <p>GLSEN is the leading national education organization focused on ensuring safe schools for all students. GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender (including gender identity) identity/expression. The web site includes lesson plans, curricular tools, information on teacher training and more. Join GLSEN's Educators Network mailing list to receive information on new educational resources as they become available, including lesson plans and other materials.</p>		◆	◆		◆	◆	◆
<p>George Washington University: Hamilton Fish Institute</p> <p>http://gwired.gwu.edu/hamfish</p> <p>A compilation of research on various aspects of bullying behaviors and results. Published by the Hamilton Fish Institute on School and Community Violence.</p>	◆						

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
Groundspark: Respect For All Project http://groundspark.org/respect-for-all Provides youth and adults who guide their development the tools they need to engage in age-appropriate discussions about human difference, preventing prejudice and building caring communities. The project offers resources for educators and youth-service providers, including award-winning documentary films, high-quality curriculum guides, and a comprehensive workshop series for professionals and community members.		◆	◆		◆	◆	
International Bullying Prevention Association www.stopbullyingworld.org The 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.	◆					◆	
i-SAFE www.isafe.org Supported by Congress and federal agencies, i-SAFE is a non-profit organization dedicated to educating and empowering youth to safely, responsibly, and productively use information and communication technology (ICT). i-SAFE's best practice curriculum for primary and secondary schools is embedded with outreach activities to empower students, teachers, parents, law enforcement, and the community to control online experiences to use the Internet with safety.				◆			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
It Gets Better Project www.itgetsbetter.org ItGetsBetter.org is a site where young people who are LGBT can see how love and happiness can be a reality in their future – and where straight allies can support friends and family members. People can share their stories, take the It Gets Better Project pledge, watch videos, and seek help through the Trevor Project and GLSEN.		◆					
Jamie Nabozny www.jamienabozny.com Throughout middle school and high school, Jamie Nabozny was bullied for being gay. With the help of Lambda Legal Defense and Education Fund he fought back and won a landmark federal lawsuit against school administrators for failing to stop the harassment.		◆					
Kidscape www.kidscape.org.uk Agency established to prevent bullying and child sexual abuse. Site provides tips for children, parents, and educators on how to recognize and prevent bullying.	◆				◆		◆
Learning to Give www.learningtogive.org/about/index.asp <i>Learning to Give</i> educates youth about the importance of philanthropy, the civil society sector, and civic engagement. The site offers free K-12 lessons and resources for teachers, parents, and community leaders.	◆				◆		

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Long Island Gay and Lesbian Youth</p> <p>http://ligaly.org</p> <p>Long Island Gay and Lesbian Youth is a Nassau and Suffolk not-for-profit organization providing education, advocacy, and social support services to Long Island's gay, lesbian, bisexual, and transgender youth and young adults, and all youth, young adults, and their families for whom sexuality, sexual identity, gender identity, and HIV/AIDS are an issue. Their goals are to empower GLBT youth, advocate for their diverse interests, and to educate society about them.</p>							
<p>Michigan State University (MSU) Library</p> <p>www.lib.msu.edu</p> <p>The MSU Library is continuously updating their collection of materials which offer suggestions for maintaining a welcoming classroom for all children and showcase best practices in presenting different cultures and diverse perspectives to children.</p>	◆		◆		◆		
<p>Morningside Ctr for Teaching Social Responsibility</p> <p>www.morningsidecenter.org</p> <p>Classroom lessons foster critical thinking on issues of the day and a positive classroom environment. Teachers are free to use these lessons in their classrooms.</p>	◆					◆	
<p>National Association for Multicultural Education (NAME)</p> <p>http://nameorg.org/resources/bullying/</p> <p>NAME is a non-profit organization that advances and advocates for equity and social justice through multicultural education.</p>	◆		◆				

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
National Association of School Psychologists (NASP) www.nasponline.org/resources/factsheets/bullying_fs.aspx <p>The NASP is the premier source of knowledge, professional development, and resources, to empower school psychologists to ensure that all children and youth attain optimal learning and mental health. NASP supports school psychologists to enhance the learning and mental health of children and youth. Bullying facts for schools and parents highlighting factors that cause people to become bullies and victims, along with preventative options for schools, parents, and community members.</p>	◆					◆	
National Bullying Prevention Center www.pacer.org/bullying www.pacerkidsagainstbullying.org www.pacerteensagainstbullying.org/#/home <p>Interactive website to educate kids and teens about bullying. Includes games and articles.</p>	◆			◆	◆	◆	◆
National Center for Missing & Exploited Children (NCMEC) www.netSMARTSKIDS.org (children) www.nsteens.org (tweens) www.netSMARTZ.org (teens) <p>Program created with Internet safety experts at NetSmartz® Workshop, a program of NCMEC. Materials for children, teens, and educators on safe Internet use including, videos, games, and teaching materials. Topics include: Internet safety, chat rooms, gaming, on-line predators, revealing too much information and cyberbullying.</p>	◆			◆	◆		◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>NEA's Bully Free: It Starts With Me</p> <p>www.nea.org/home/NEABullyFreeSchools.html</p> <p>Bullied students that go it alone because they don't know who to turn to are far more likely to fall behind in their studies, get sick and/or depressed, miss school, and drop out. And in the most tragic cases, the bullied student commits suicide, or "bullycide," as it has come to be known. But research tells us that one caring adult can make all the difference in a bullied student's life.</p>	◆				◆	◆	◆
<p>National Crime Prevention Council</p> <p>www.ncpc.org/search?SearchableText=bully</p> <p>Manages the National Citizens Crime Prevention Campaign, McGruff the Crime Dog, and the Crime Prevention Coalition of America. Offers interactive clips for children to address solutions to bullying. Site provides links to articles about bullying.</p>	◆			◆	◆		◆
<p>National Cyber Security Alliance</p> <p>www.staysafeonline.org</p> <p>Provides free lesson plans to teach students how to safely navigate social networking websites.</p>				◆			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>National Park Service – Martin Luther King, Jr. Memorial www.nps.gov/malu/forteachers/lessonplansandteacherguides.htm</p> <p>The Dr. Martin Luther King, Jr.'s Legacy of Racial and Social Justice: A Curriculum for Empowerment is a teacher's resource guide that provides activities for students in K-8 to explore the rich history of the civil rights movement and the persona of Dr. Martin Luther King, Jr. The curriculum focuses on building on students' civil rights knowledge and helping them to compare present-day realities to past struggles for justice in America and throughout the world.</p>			◆				
<p>National School Climate Center (NSCC) www.schoolclimate.org/bullybust/resources/key_resources</p> <p>The NSCC helps schools integrate social and emotional learning with academic instruction; enhances student performance; prevents dropouts; reduces physical violence and bullying; and develops healthy and positively engaged adults.</p>	◆			◆		◆	
<p>National School Safety Center www.schoolsafety.us</p> <p>The National School Safety Center was established as a joint program between the U.S. Departments of Education and Justice. The Center now operates as an independent non-profit organization serving schools, providing training and technical assistance in the areas of safe school planning and crime prevention.</p>	◆				◆	◆	
<p>Nemours Foundation http://kidshealth.org</p> <p>A nonprofit organization devoted to improving the health of children. Type "bullying" into search window. Spanish available.</p>	◆				◆		◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
New York State Center for School Safety (NYSCSS) http://nyscenterforschoolsafety.org The NYSCSS provides technical support and training on a variety of school safety-related laws, including SAVE, VADIR, and the Dignity Act.	◆	◆	◆	◆	◆	◆	◆
New York State Education Department (NYSED) www.p12.nysed.gov/dignityact The Dignity for All Students Act web site. www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf Social/Emotional Development and Learning (SEDL) Guidelines: Developed by NYSED and adopted by the Board of Regents on July 18, 2011. www.p12.nysed.gov/technology/internet_safety Guidance on cyberbullying and Internet safety.	◆	◆	◆	◆	◆	◆	
Olweus Bullying Prevention Program www.olweus.org The <i>Olweus Program</i> is designed to improve peer relations and make schools safer, more positive places for students to learn and develop.	◆				◆	◆	
OnGuardOnline.Gov http://onguardonline.gov/topics/protect-kids-online OnGuardOnline.gov is the federal government's website to help you be safe and responsible online. The Federal Trade Commission manages site, in partnership with federal agencies, including the Department of Education and Department of Justice.				◆	◆		◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Operation Respect</p> <p>www.operationrespect.org</p> <p>Operation Respect is a non-profit organization founded by Peter Yarrow to assure each child a respectful, safe and compassionate climate of learning where their academic, social and emotional development can take place free of bullying, ridicule, and violence. It features the <i>Don't Laugh at Me</i> program/song. There is a grade 2-5 and 6-8 teacher's guide, after school program, and summer program. There is a conflict resolution curriculum developed by Resolving Conflict Creatively of Educators for Social Responsibility.</p>	◆		◆		◆	◆	◆
<p>Parents, Families, & Friends of Lesbians & Gays (PFLAG) www.pflag.org</p> <p>PFLAG promotes the health and well-being of lesbian, gay, bisexual and transgender persons, families and friends through support to cope with an adverse society; education to enlighten the public; and advocacy to end discrimination and secure equal civil rights. PFLAG has education programs, including a <i>10 Ways you can Make Schools Safer...For All Students</i> web site.</p>	◆	◆					◆
<p>Positive Behavioral Interventions & Supports (PBIS)</p> <p>www.pbis.org</p> <p>Positive Behavioral Interventions and Supports (PBIS) when applied at the School-wide level is frequently called School-wide Positive Behavior Support. (SWPBS). SWPBS refers to a systems change process for an entire school or district. The underlying theme is teaching behavioral expectations in the same manner as any core curriculum subject.</p>					◆	◆	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
Public Broadcasting Service (PBS) http://pbskids.org/itsmylife//parents/resources/bullies.html Public television and radio stations in New York State are chartered by the Board of Regents and are therefore institutions within the University of the State of New York. This site includes a variety of bullying resources.	◆				◆		◆
Queering Education Research Institute (QuERI) www.queeringeducation.org QuERI is an independent think-tank, qualitative research and training center affiliated with <u>Syracuse University</u> . The purpose of QuERI is to bridge the gap between research and practice in teaching LGBTQ students and the creation of LGBTQ youth-affirming schools and programs.		◆					
Relational Aggression www.relationalaggression.com RelationalAggression.com discusses the emotional and psychological side of bullying. Contributors post blogs and articles associated with relational aggression. The program was developed by Laura Martocci, Ph.D. who currently teaches Sociology at Wagner College.	◆					◆	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
Rutgers University http://comminfo.rutgers.edu/professional-development/childlit/Bullying.html Rutgers, the State University of New Jersey, is the state's preeminent, comprehensive public institution of higher education. Children's literature cannot resolve such problems, but well-told tales can help young people deal with the situation.	◆	◆	◆	◆	◆	◆	◆
Safety Web www.safetyweb.com This program is behind the SafetyWeb Online Tracker (SWOT) service that is used by law enforcement nationwide to assist in the search of missing children. An Internet monitoring service for parents that makes it easier to protect the reputation, privacy, and safety of kids online.				◆			
Sesame Street www.sesamestreet.org/parents/topicsandactivities/topics/bullying Bullying is a problem many children will face as they grow up. Watch the Good Birds Club with your child to begin a conversation about bullying. Additionally, watch the Happy to Be Me Anti-Bullying Discussion videos for more about recognizing and preventing bullying.	◆				◆	◆	◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Southern Poverty Law Center – Teaching Tolerance</p> <p>www.teachingtolerance.org</p> <p>Founded in 1991 by the <u>Southern Poverty Law Center</u>, Teaching Tolerance is dedicated to reducing prejudice, improving intergroup relations and supporting equitable school experiences for our nation's children. The Teaching Tolerance Program provides classroom activities for grades K – 12 on a variety of topics including but not limited to becoming an ally, freedom, ageism, discrimination, bias, sexism, injustice, citizenship, and positive classroom climate. The lessons integrate these concepts into science, math, social studies, and English language arts.</p>	◆		◆		◆	◆	
<p>Stop Cyberbullying.Org</p> <p>www.stopcyberbullying.org</p> <p>Wired Kids Inc. provides kid-friendly information on what cyber bullying is, why it happens, and how to prevent it.</p>				◆			
<p>Striving To Reduce Youth Violence (STRYVE)</p> <p>www.safeyouth.gov/Pages/Home.aspx</p> <p>STRYVE is a national initiative led by the CDC to prevent youth violence before it starts. STRYVE's vision is safe and healthy youth who can achieve their full potential as connected and contributing members of thriving, violence-free families, schools, and communities.</p>	◆				◆		

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p>Tanenbaum Center for Interreligious Understanding</p> <p>www.tanenbaum.org/programs/education</p> <p>Tanenbaum confronts religious ignorance and violence with results-oriented programs that reduce hatred and produce real change in the way people think and act.</p>			◆		◆		
<p>The Lower East Side Tenement Museum</p> <p>www.tenement.org/education_lessonplans.html</p> <p>The Tenement Museum preserves and interprets the history of immigration through the personal experiences of generations of newcomers who settled in Manhattan's Lower East Side; forges emotional connections between visitors and immigrants past and present; and enhances appreciation for the profound role immigration has played and continues to play in shaping America's evolving national identity.</p>			◆		◆		
<p>The Trevor Project</p> <p>www.trevorproject.org</p> <p>The Trevor Project is determined to end suicide among LGBTQ youth by providing life-saving and life-affirming resources including a nationwide, 24/7 crisis intervention lifeline, digital community, and advocacy/educational programs that create a safe, supportive, and positive environment. The Trevor Project operates three core program areas in order to provide life-saving and life-affirming resources for LGBTQ youth and to create safe, accepting and inclusive environments regardless of sexual orientation or gender (including gender identity or expression).</p>		◆					

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
U.S. Department of Education – Office of Civil Rights <ul style="list-style-type: none"> • www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html Guidance Counselor Role in Ensuring Equal Educ. Opportunity • www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf Dear Colleague Letter Harassment and Bullying (October 26, 2010) • Safe and Supportive Schools Technical Assistance Ctr http://safesupportiveschools.ed.gov/ 	◆				◆	◆	
U.S. Department of Health and Human Services: Office on Women's Health www.girlshealth.gov/bullying The Office on Women's Health's (OWH) provides guidance to promote health for women/girls via sex/gender-specific approaches.	◆			◆	◆		
U.S. Department of Justice (DOJ) http://www.ojp.usdoj.gov/cds/internet_safety/NCPC/Stop%20Cyberbullying%20Before%20It%20Starts.pdf Stop Cyberbullying Before It Starts http://blogs.usdoj.gov/blog/archives/1088 The Civil Rights Division video addresses bullying and harassment of gay, lesbian, bisexual and transgender youth, and those who do not conform to gender stereotypes of male/female behavior/appearance. The video is the Division's contribution to the national "It Gets Better" Project, in which gay, lesbian, bisexual and transgender adults and straight allies tell youth that life gets better after high school.	◆	◆		◆	◆	◆	◆

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
U.S. Government Agencies (Other) www.stopbullying.gov Provides information from federal government agencies on how kids , teens , young adults , parents , educators and others in the community can prevent or stop bullying.	◆	◆	◆	◆	◆	◆	◆
U.S. Holocaust Memorial Museum www.ushmm.org/education Educational resources for schools.			◆				
Web Quests ◆ www2.maxwell.syr.edu/plegal/tips/t4prod/weisswg1.html Violence in Schools: Student Victimization (MS/HS) ◆ http://olc.spsd.sk.ca/DE/webquests/bullywg/index.htm Stop the Hurt (grades 4-6) ◆ www.gecdsb.on.ca/d&g/nobullying/index.html A No Bullying Proposal (MS) ◆ http://bgeagles.tripod.com/webquest/index.htm Bye-bye Bully (grade 4)	◆				◆		
Welcoming Schools www.welcomingschools.org Welcoming Schools is an LGBT-inclusive approach to addressing family diversity , gender stereotyping and bullying and name-calling in K-5 learning environments. The program provides administrators, educators and parents/guardians with the resources necessary to create learning environments in which all learners are welcomed and respected. Learning activities address family diversity, gender stereotyping, and bullying.	◆	◆			◆	◆	

APPENDIX D

Selected Resources Consulted

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APPENDIX E

Dignity Act Task Force Members

The Dignity Act Task Force is comprised of the following agencies and offices, educational associations, not-for-profit organizations, and educational institutions:

State Agencies and Offices

- New York State Assemblyman O'Donnell
- New York State Senator Flanagan
- New York State Division of Criminal Justice Services
- New York State Division of Human Rights
- New York State Education Department
- New York State Executive Chamber
- New York State Office for Prevention of Domestic Violence
- New York State Office of Mental Health
- New York State Office of Temporary Disability and Assistance
- New York State Police

Educational Associations

- New York Association of Pupil Transportation
- New York State Center for School Safety
- New York City Council of School Administrators
- New York State Association of School Nurses
- New York State Association of School Psychologists
- New York State Council of School Superintendents
- New York State School Attorney's Association
- New York State School Boards Association
- New York State School Social Workers Association
- New York State School Counselor's Association
- New York State Superintendents of School Buildings and Grounds Association
- New York State United Teachers
- School Administrators Association of New York State

Not-For-Profit Organizations

- Anti-Defamation League
- Center for Independence of Disabled
- Child Abuse Prevention Services
- Council on American Islamic Relations
- Empire State Pride Agenda
- Facing History and Ourselves
- Gay, Lesbian, and Straight Education Network
- Girls for Gender Equity
- Hunts Point Alliance for Children
- Morningside Center for Teaching Social Responsibility
- New York Association for Gender Rights Advocacy
- New York Civil Liberties Union
- New York State Middle School Association
- New York State Parent-Teacher Association
- Sikh Coalition
- Trevor Project
- Youth Policy Institute

Educational Institutions

- Eastern Suffolk BOCES
- Genesee Valley BOCES
- Monroe-Woodbury Central School District
- Moravia Central School District
- New York City Department of Education
- Oceanside Union Free School District
- Onondaga-Cortland-Madison BOCES
- Shenendehowa Central School District
- Queering Education Research Institute (QuERI) at Syracuse University

