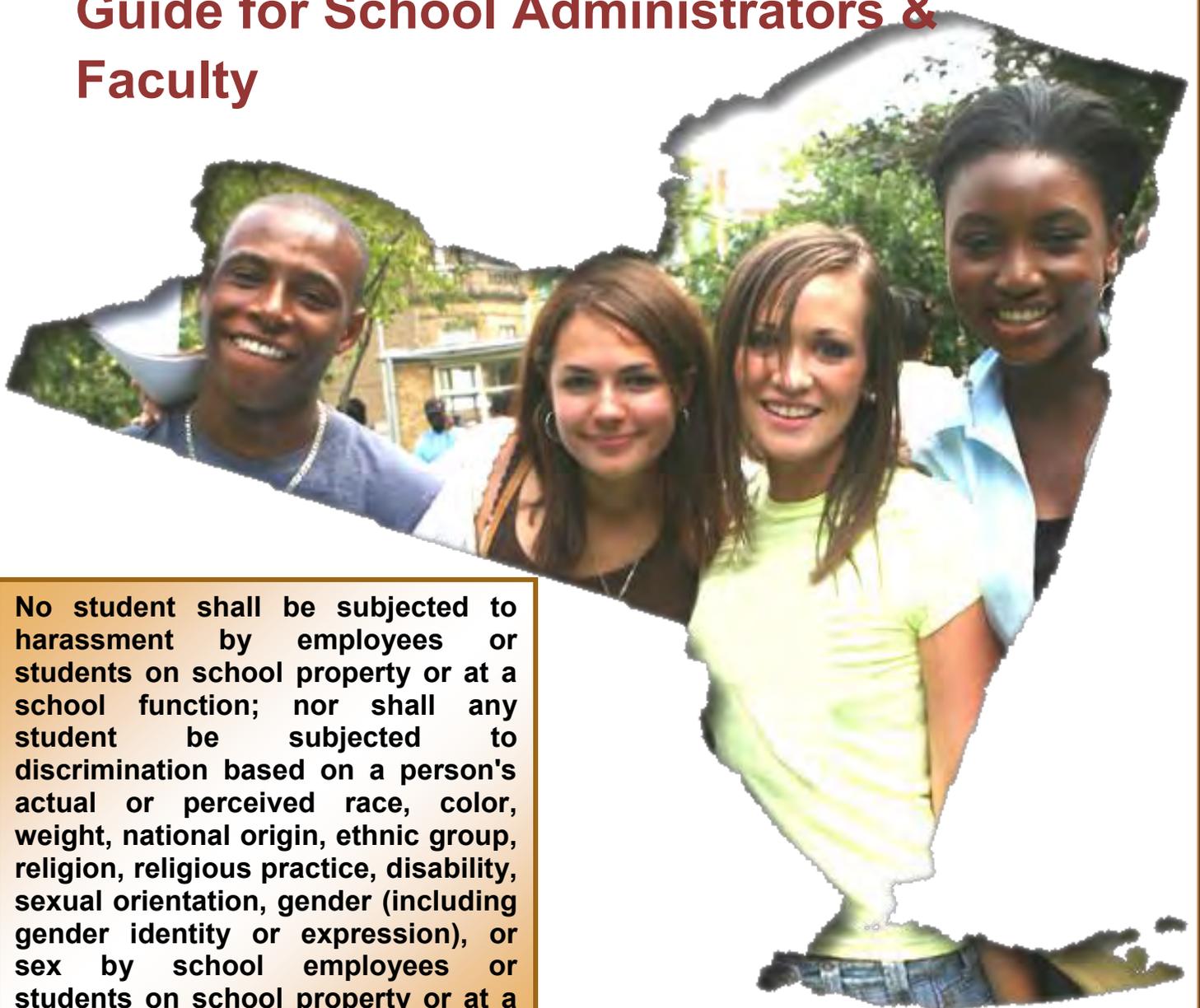


# The New York State Dignity for All Students Act (Dignity Act):

## A Resource and Promising Practices Guide for School Administrators & Faculty



No student shall be subjected to harassment 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 help schools implement the Dignity Act.

This resource guide includes links to web sites that contain information about interventions, programs, and resources to aid schools in developing lessons that integrate the Dignity Act principles. 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 commercial or for-profit programs.](#) Please note that this document is being disseminated for informational purposes only and that 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. Please note that any 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 Task Force encourages educators to creatively incorporate the principles addressed within the Dignity Act into core subjects. These principles state that **all** students enrolled in public elementary and secondary schools have the right to attend school in an environment free of discrimination and harassment, including but not limited to, conduct, verbal threats, intimidation or abuse on school property, on a school bus, or at school-sponsored events 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.

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 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 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 of Gender Rights Advocates
- 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

Schools are encouraged to use the resources in this guide to aid in augmenting or developing programs and lessons. In addition, any core subject area can incorporate Dignity Act principles into the 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 can 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 will inspire students and help to introduce discussion topics.

The following resources could serve as a critical 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](http://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 the students' social-emotional brain development and creating conditions where school environments are safe and supportive, teachers can teach more effectively, students learn better, and parents and 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 is within reach 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>

This page addresses the federal Office of Safe and Healthy Students and provides 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

A student's ability to learn and to meet high academic standards, and a school's ability to educate its students is compromised by incidents of discrimination or harassment including bullying, taunting, or intimidation. The Dignity Act makes it the official policy of New York State that all students in public schools have the right to an education free of discrimination and harassment.

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 policy in its code of conduct. The Dignity Act addresses material incidents of harassment and discrimination of students by students, as well as of students by faculty or staff.

The Dignity Act includes, but is not limited to, acts of discrimination and harassment based on a student's race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), or sex.

The word "bullying" does not appear in the Dignity Act. Rather, bullying behavior is a manifestation of the larger problems of discrimination and harassment that the Dignity Act seeks to prevent and prohibit.

In this guide the terms bullying and harassment are used, however schools should seriously consider whether using the label "bully" is the most effective way to address the 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, therefore, are not reflective of 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 towards another student. In dealing with inappropriate behavior, schools should carefully consider using language that encourages the most productive conversation with students, staff, and parents about what it means to treat others with dignity and respect.

A key principle in the Dignity Act relates to **material incidents of harassment and discrimination**. The Department has proposed regulations to the Board of Regents that would define material incidents of harassment and discrimination to include:

- a single incident or a series of related incidents where a student is subjected to harassment and/or discrimination by a student or school employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe or pervasive nature that:

(i) has or would have the effect of unreasonably interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

(ii) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Material incidents of harassment and discrimination 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 (including gender identity or expression), or sex.**

The Dignity Act does not directly address the issue of “cyberbullying” (harassment of students via electronic communications such as texting, email or social networks). The Dignity Act empowers school staff to consider all the forms of harassment of students by other students or staff that occur on school property or at a school function. However, since regulation of harassment in the forms of cyberbullying and sexting may involve free speech, constitutional issues arise regarding the ability of a school district, BOCES, or charter school to restrict these forms of speech and expression and to discipline students for engaging in them (see e.g. Tinker v. Des Moines Indep. Community Sch. Dist. (393 US 503 [1969])). These issues will be further addressed in Section VII, but it is critical to note here 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.

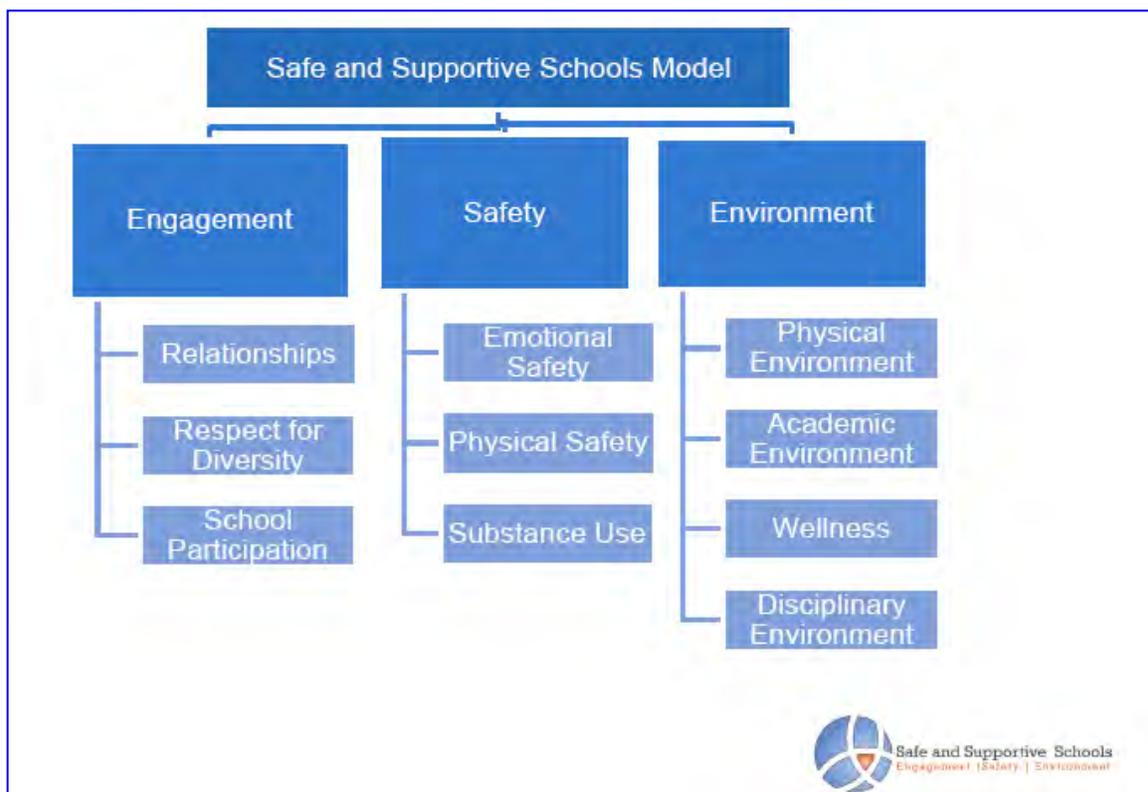
A “Dignity for All Students Act Glossary, Acronym Guide & Questions & Answers For Schools” including glossary is included in Appendix A of this document or at the following address: [www.p12.nysed.gov/dignityact/](http://www.p12.nysed.gov/dignityact/).

## SECTION I: SCHOOL CLIMATE AND CULTURE

Establishing and sustaining a school environment free of discrimination and harassment involves taking a close look at 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 climate may include, but are not limited to, one's perception of their personal safety, interpersonal relationships, teaching, learning, as well as the external environment ([www.schoolclimate.org/climate](http://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 therefore, socially capable. See:

[http://safesupportiveschools.ed.gov/reader.php?upload=/20110303\\_Presentation\\_Final21011SSSTASchoolClimateWebinarpublic.pdf](http://safesupportiveschools.ed.gov/reader.php?upload=/20110303_Presentation_Final21011SSSTASchoolClimateWebinarpublic.pdf)

<b>Conditions for Learning: Key Aspects of School Climate Which Support Enhanced School Academic Outcomes</b>	
<b>Students are safe</b> <ul style="list-style-type: none"><li>• Physically safe</li><li>• Emotionally and socially safe</li><li>• Treated fairly and equitably</li><li>• Avoid risky behaviors</li><li>• School is safe and orderly</li></ul>	<b>Students are supported</b> <ul style="list-style-type: none"><li>• Meaningful connection to adults</li><li>• Strong bonds to school</li><li>• Positive peer relationships</li><li>• Effective and available support</li></ul>
<b>Students are challenged</b> <ul style="list-style-type: none"><li>• High expectations</li><li>• Strong personal motivation</li><li>• School is connected to life goals</li><li>• Rigorous academic opportunities</li></ul>	<b>Students are socially capable</b> <ul style="list-style-type: none"><li>• Emotionally intelligent and culturally competent</li><li>• Responsible and persistent</li><li>• Cooperative team players</li><li>• Contribute to school community</li></ul>

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

## **SCHOOL CLIMATE AND CODES OF CONDUCT**

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

The Board of Regents amended the existing regulation addressing codes of conduct (Commissioner’s Regulation 8 NYCRR §100.2(l)) to reflect the Dignity Act’s principles that all students have the right to attend school in an environment free of discrimination and harassment.

See: [www.regents.nysed.gov/meetings/2012Meetings/March2012/312p12a4.pdf](http://www.regents.nysed.gov/meetings/2012Meetings/March2012/312p12a4.pdf).

## **A WHOLE SCHOOL APPROACH – BUILDING STUDENT READINESS**

Schools are expected to 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

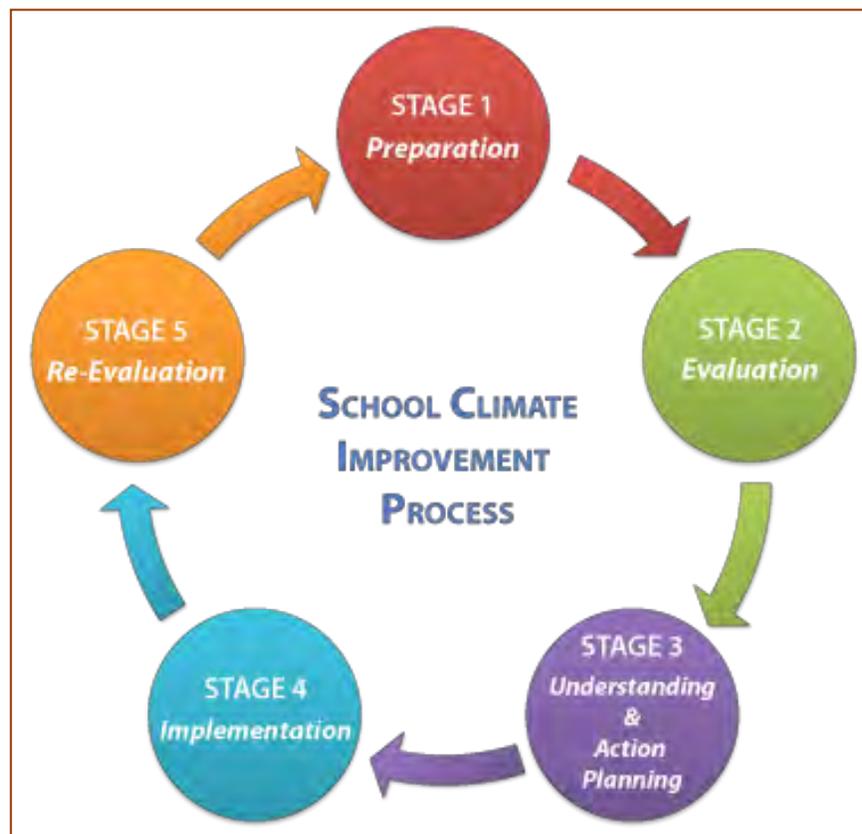
- Physical Safety
- School Wide Protocols
- Classroom Management

### **Behavioral Environment, Expectations & Supports**

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

The periodic review of school 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 a number of organizations, as well as by other states. Many of these 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 drop out 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 when 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/sss/sedl/SEDLguidelines.pdf](http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf).

In the summary presented to the Board of Regents by State Education Commissioner John B. King, Jr., it was cited that “social and emotional development is the ability to

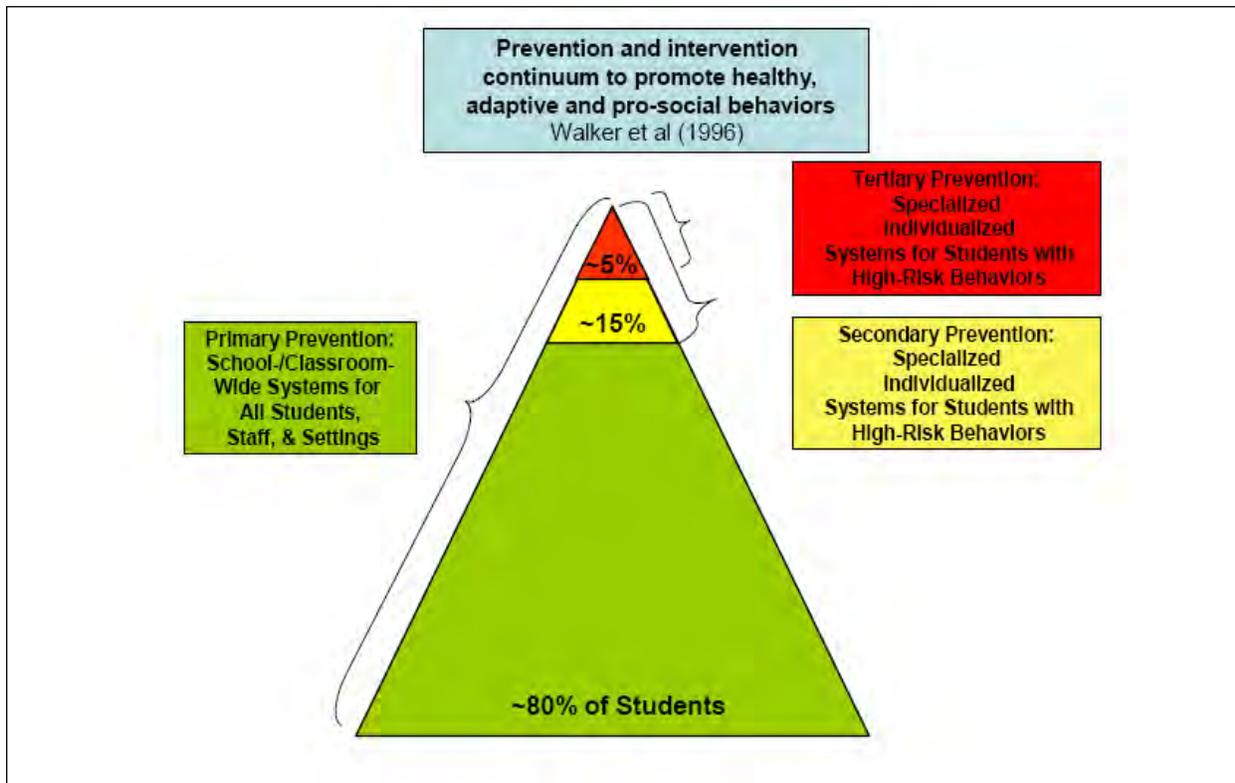
understand, manage, and express the social and emotional aspects of one's life in ways that enable the successful management of life tasks such as learning, forming relationships, solving everyday problems, and adapting to the complex demands of growth and development."<sup>1</sup>

[www.regents.nysed.gov/meetings/2011Meetings/July2011/711p12a6-revised.pdf](http://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 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](http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf)



<sup>1</sup> 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.

### Some Guiding Questions to Consider When Examining These Factors

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| <ul style="list-style-type: none"> <li>• How well does the school project a welcoming and supportive environment for all students?</li> <li>• 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?</li> <li>• How does the school communicate its clear expectations regarding pro-social behavior and respect within the school community with staff and students?</li> <li>• 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?</li> <li>• What kinds of programs and initiatives does the school implement to promote respect for diversity?</li> <li>• 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?</li> <li>• How does the school integrate respect for diversity into the curriculum?</li> <li>• How well does the school library collection (books, periodicals, multimedia resources) and visual displays throughout the building promote respect for diversity?</li> <li>• Are library collections readily accessible to everyone in the school?</li> <li>• How are students, the largest group of stakeholders in the school community, involved in preventing bias-based behavior and promoting respect?</li> <li>• How are students provided with opportunities for social emotional learning?</li> </ul> | <ul style="list-style-type: none"> <li>• How are students learning empathy?</li> <li>• 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.</li> <li>• When students do not meet behavioral expectations, how does the school ensure equitable access to support and disciplinary accountability?</li> <li>• When disciplinary data is regularly reviewed, how does the school bring multiple perspectives and disciplines to the process?</li> <li>• 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?</li> <li>• How does the school actively support and encourage diversity in student government?</li> <li>• 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?</li> <li>• 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?</li> <li>• How successful is the school in welcoming the families of all students into the school community?</li> <li>• Does the school engage and encourage parents to work as partners in their children's learning?</li> <li>• 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?</li> </ul> |
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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.

## **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](http://www.stopbullying.gov)) provides the following insights into the vulnerability of these children:

- Available information indicates that children with learning disabilities are at greater risk of being teased and physically bullied (Martlew & Hodson, 1991; Mishna, 2003; Nabuzoka & Smith, 1993; Thompson, Whitney, & Smith, 1994).
- Children with Attention Deficit Hyperactivity Disorder (ADHD) are more likely than other children to be bullied. They also are somewhat more likely than others to bully their peers (Unnever & Cornell, 2003).
- Children with medical conditions that affect their appearance (e.g., cerebral palsy, muscular dystrophy, and spina bifida) are more likely to be victimized by peers. Frequently, these children report being called names related to their disability (Dawkins, 1996).

Walk A Mile In Their Shoes: Bullying and the Child with Special Needs, a report and guide compiled by [www.AbilityPath.org](http://www.AbilityPath.org), addresses the issue of children with special needs being targets of harassing behavior: The report and guide includes the following research findings:

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

Please see:

[www.abilitypath.org/areas-of-development/learning--schools/bullying/articles/walk-a-mile-in-their-shoes.pdf](http://www.abilitypath.org/areas-of-development/learning--schools/bullying/articles/walk-a-mile-in-their-shoes.pdf)

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

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

### **Refugee and Immigrant Children**

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

Children who come to the United States as refugees face the challenge of adapting to a new environment while coping with the loss of home, family members, friends, belongings, and community. Although immigrant children usually do not leave their homes under the same kinds of circumstances that compel refugees to flee their country of nationality, they share some of the same challenges faced by refugee children in adapting to a new environment, learning a new language and creating social support networks with peers and adults in a new school community.

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

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

[www.cga.ct.gov/coc/PDFs/bullying/102107\\_bullying\\_immigrants.pdf](http://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](http://www.brycs.org) includes multiple resources that can assist educators in providing support to immigrant and refugee children.

## **LGBTQ Children<sup>2</sup>**

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

### **Key findings include:**

- 84.6% of LGBT students reported being verbally harassed, 40.1% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation.
- 72.4% heard homophobic remarks, such as "faggot" or "dyke," frequently or often at school.
- Over three-fifths (61.1%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (39.9%) felt unsafe because of their gender expression.
- 63.7% of LGBT students reported being verbally harassed, 27.2% reported being physically harassed and 12.5% reported being physically assaulted at school in the past year because of their gender expression.

See: [www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1675-2.pdf](http://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

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<sup>2</sup> 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.

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

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

[http://transequality.org/PDFs/NTDS\\_Report.pdf](http://transequality.org/PDFs/NTDS_Report.pdf)

According to GLSEN's *Harsh Realities* report "Nearly nine in ten transgender students have been verbally harassed in the last year due to their gender expression (87 percent) and more than half have also been physically assaulted (53 percent)." In addition, the report states "nearly half of transgender students report regularly skipping school because of safety concerns, clearly impacting their ability to receive an education, and nearly one in six (15 percent) of transgender and gender nonconforming students face harassment so severe that they are forced to leave school."

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

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

## **Children in Foster Care and Children with Incarcerated Parents**

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

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

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

Additionally, children in foster care and children with incarcerated parents may become withdrawn and experience low self-esteem. Children may be afraid of the stigmas and stereotypes that come with being a child in foster care or a child with an incarcerated parent. For example, when it is known that a child has an incarcerated parent, s/he may be blamed if another student's personal belongings go missing based on the beliefs that "the apple doesn't fall far from the tree" and criminality is in the child's genes. Consequently, students may shy away from revealing their situation to school staff or their peers and may inevitably cope with their struggles alone.

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

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

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

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

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

### **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**.

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

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

### **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](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf))

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](http://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](http://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.

Resources in addressing the needs of diversity in student population are identified in [Appendix C](#) of this guide.

## **SECTION III: 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]).

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 discrimination and harassment.

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 8 NYCRR 100.2(jj) requires that the school DAC be approved by the board of education or the trustees or sole trustee of the school district, or, in school districts in a city having a population of more than one million inhabitants, by the principal of the school building in which the designated individual is employed.

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 board of education, trustees or sole trustee of the school district, or in the case of school districts in a city having a population of more than one million inhabitants, the school building principal.

### **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 to 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.

### **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.

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 requires every school district 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.

### **Parent Reports of Allegations of Student-to-Student and/or Staff-to-Student Harassment and/or Discrimination**

Schools should establish procedures for parents or persons in parental relation to contact the school regarding concerns about the safety, health, and welfare of their children. The purpose of these procedures should be to provide parents or persons in parental relation a system through which they can report allegations of student-to-student harassment or discrimination/bias-based behavior. Allegations of staff-to-student misconduct by persons in parental relation should be made to the principal, Dignity Act Coordinator, and/or other designated district supervisor. Such reports must be addressed pursuant to all applicable school/district policies and procedures related to allegations of staff-to-student misconduct.

## **SECTION IV: 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

## SECTION V: RESTORATIVE APPROACHES

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

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

Taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how will those engaged in the misbehavior be punished, the restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

Restorative practices may include:

- **Circle Process:** Circles may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. A circle can be used in response to a particular issue that affects the community. The circle process can enable a group to get to know one another, build relationships, establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc. Circles can be effective as both a prevention and intervention strategy.
- **Restorative Enquiry/Restorative Discussion:** Uses active listening and other conflict resolution communication skills. Using a collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution.

- **Victim/Wrongdoer Mediation:** when an individual acknowledges s/he has harmed another person and both the person who engaged in the behavior that harmed and the person who was harmed agree to see how the incident(s) can be put right by working with an impartial, third party mediator who has received specific training in victim/wrongdoer mediation. Regardless of the circumstances, the mental and physical health, safety and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting and should not be used when the wrongdoer (individual who has caused harm) may intimidate or coerce or attempt to intimidate or coerce the person who has been harmed.
- **Formal Restorative Conference:** A circle process in which individuals who have acknowledged causing harm are brought together with those who have been harmed. A formal restorative conference is facilitated by an individual who has received specific training in the process. In addition to the individuals who have been directly involved, both sides may bring supporters who have also been affected by the incident to the circle. The purpose of the conference is for both the harm doer and the harmed to understand each other's perspective and come to a mutual agreement, which will repair the harm as much as it is able to be repaired. Regardless of the circumstances, the mental and physical health, safety and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting.

## **SECTION VI: 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 discrimination and harassment can begin or spread online. Therefore, schools and districts can examine policies to ensure safe and responsible Internet use by students and teachers, when technology is used for teaching and learning.

As a result of passage of the New York State Education Law on Internet Safety and Appropriate Use (Education Law Section 814), the State Education Department (NYSED) provides assistance and resources to schools concerning the safe and responsible use of the Internet. One such resource developed was 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](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 personal technology-based devices used during school hours on school property.

For more information and guidance on Internet use at school and the AUP, please see: [http://www.p12.nysed.gov/technology/internet\\_safety/](http://www.p12.nysed.gov/technology/internet_safety/).

## SECTION VII: GUIDANCE ON BULLYING AND CYBERBULLYING

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/](http://www.stopbullying.gov/topics/cyberbullying/)

An 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 victimized 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, cyber stalking, denigration, impersonation, sexting, happy slapping, outing, and trickery.

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.

The threats of cyberbullying and its continuous exposure to students makes 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 threat alone if confronted by a cyberbullying or bullying threat. 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.

### **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; Children's Internet Protection Act; Internet Safety Policies; 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/](http://www.p12.nysed.gov/sss/sedl/).
- **Code of Conduct:** All public schools must adopt and implement a code of conduct for the maintenance of order on school property and at school functions. The code of conduct governs 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]).

An age-appropriate summary of the code of conduct must be provided to students and all persons in parental relation to students at the beginning of each school year. 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. State Law requires that the school code of conduct 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]).

The 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 should include student, teacher, administrator, and parent organizations, school safety personnel and other personnel. Such committee might also include school staff, concerned 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.

The code of conduct is an ideal document 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 copy of the code of conduct and 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 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]).

The code of conduct should address such Internet and electronic device safety issues as cyberbullying and sexting. Commissioner's regulations regarding the uniform violent or disruptive incident reporting (VADIR) system defines "intimidation, harassment, menacing, and bullying and no physical contact" as "[t]hreatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process" (8 NYCRR §100.2[gg][1][vi][j]).

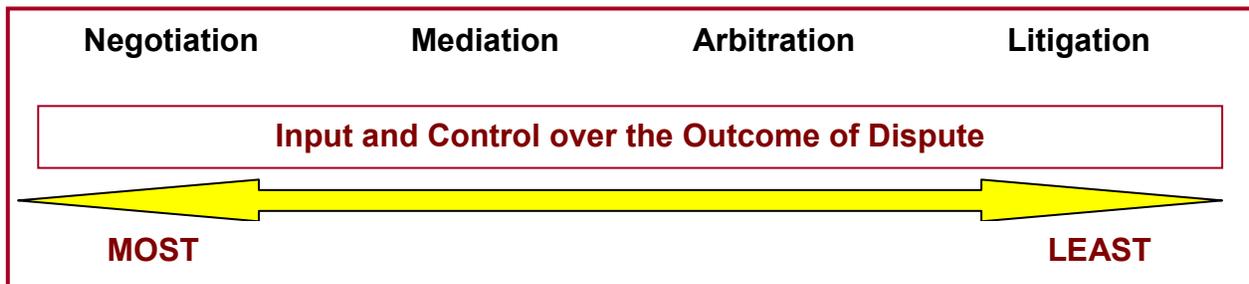
The following definitions from the New York State Division of Criminal Justice Services (NYSDCJS) may be used as a guide to develop policies and practices regarding cyberbullying and sexting:

Cyberbullying is “the repeated use of information technology, including e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others.” Cyberbullying, unlike physical bullying, does not provide an option for its victims to walk away ([http://criminaljustice.state.ny.us/missing/i\\_safety/cyberbullying.htm](http://criminaljustice.state.ny.us/missing/i_safety/cyberbullying.htm)). NYSDCJS defines sexting as “sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email” ([http://criminaljustice.state.ny.us/missing/i\\_safety/i\\_intro.htm](http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm)).

- **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 not used in situations in which one individual has been victimized by another.

### CONFLICT RESOLUTION

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.

### 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.

The code of conduct should also include statements that make it abundantly clear that cyberbullying is a form of electronic aggression and that both it and sexting are inappropriate and will not be tolerated on school grounds or at school-sponsored events or functions, using either school or personal information technology equipment. Sexting incidents should be reported on the VADIR in either 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 meets/exceeds the disciplinary actions. Disciplinary or referral actions include the following:

- Referral to counseling;
- 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
- Transfer to law enforcement.

<http://www.p12.nysed.gov/ssae/schoolsafety/vadir/glossary08aaug.html>

Incidents in the IHMB category that come to the attention of the principal or school administrator, but do not rise to the disciplinary threshold, are logged by the school

and are reported in Item 2 on page 3 of the VADIR Summary each year. Please refer to the Glossary of Terms used in reporting Violent and Disruptive Incidents for a description of the incident categories at:

[www.p12.nysed.gov/ssae/schoolsafety/vadir/glossary08aaug.html](http://www.p12.nysed.gov/ssae/schoolsafety/vadir/glossary08aaug.html)).

## **Off Campus Cyberbullying**

As discussed above, the Dignity Act prohibits discrimination and harassment of students on school property, including at school functions, by any student and/or employee. However, harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying. Since regulation of harassment in the form of cyberbullying implicates students' constitutionally protected speech under the First Amendment, this section seeks to clarify when a school can become involved in bullying that occurs off campus.

While school districts are not required by Education Law §2801 to include provisions regulating off-campus conduct by students in their codes of conduct, they are not precluded from doing so. Prior Commissioner's decisions have upheld the suspension of students for off-campus conduct (Appeal of K.S., 43 Ed Dept Rep 492, Decision No. 15,063; Appeal of Ravick, 40 id. 262, Decision No. 14,477; Appeal of Orman, 39 id. 811, Decision No. 14,389). Students may be disciplined for conduct that occurred outside of the school that may endanger the health or safety of pupils within the educational system or adversely affect the educative process (Matter of Coghlan v. Bd. of Educ. of Liverpool Cent. School Dist., 262 AD2d 949, citing Pollnow v. Glennon, 594 FSupp. 220, 224, affd 757 F2d 496). While none of these cases involve First Amendment speech or expression, they are relevant to a district's authority to regulate off-campus conduct.

Since regulation of harassment in the forms of bullying, cyberbullying and sexting may involve free speech and expression, constitutional issues arise regarding the ability of a school district, BOCES, or charter school to restrict these forms of speech and expression and to discipline students for engaging in them. In Tinker v. Des Moines Indep. Community Sch. Dist. (393 US 503 [1969]), the U.S. Supreme Court stated that school administrators may prohibit student expression where it "materially and substantially disrupt[s] the work and discipline of the school" (Tinker v. Des Moines Indep. Community Sch. Dist., 393 US 503, 513).

The Second Circuit Court of Appeals has found that school administrators were not prevented from disqualifying a student from a school election after she posted a vulgar message about the cancellation of a school event on an internet blog (Doninger v. Niehoff, et al., 527 F3d 41 [2008] [Doninger I]; Doninger v. Niehoff, et al., 642 F3d 334, cert den 132 SCt 499 [2011] [Doninger II]). In Doninger I, the Second Circuit stated that "a student may be disciplined for expressive conduct, even conduct occurring off school grounds, when this 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 I, 527 F3d 41, 48; see also Wisniewski v. Board of Educ. of the Weedsport Central School Dist., 494 F3d 34 [2d Cir 2007], cert den 552 US 1296 [2008] [court upheld suspension of student who sent internet "instant message" of a drawing depicting a teacher being shot, stating that "off-campus conduct can create a foreseeable risk of substantial disruption within a school" and that it was "reasonably foreseeable that the [drawing] would come to the attention of school authorities and the teacher"]).

It should also be noted that, in 2011, the Fourth Circuit Court of Appeals upheld the suspension of a student who created and posted from her home computer a webpage ridiculing another student (Kowalski v. Berkeley County Schools, et al., 652 F3d 565 [4<sup>th</sup> Cir 2011]). Citing Tinker, as well as the Second Circuit's decisions in both Doninger I and Wisniewski, the Fourth Circuit stated that "the language of Tinker supports the conclusion that public schools have a 'compelling interest' in regulating speech that interferes with or disrupts the work and discipline of the school, including discipline for student harassment and bullying" (Kowalski v. Berkeley County Schools, et al., 652 F3d at 572). Other federal Circuit Courts of Appeal, notably the Third Circuit, have taken a more restrictive view of the application of Tinker and the ability of a school district to discipline students for bullying or cyberbullying involving speech or expression protected by the First Amendment (see, e.g., Layshock ex. rel. Layshock v. Hermitage School Dist., 650 F.3d 205 [3<sup>rd</sup> Cir. 2011]).

Thus, there is currently a split among the federal Circuit Courts of Appeal regarding application of the Tinker standard to off-campus speech and/or expression. Until the U.S. Supreme Court rules differently, the Doninger and Wisniewski cases represent the state of the law in the Second Circuit, which encompasses all of New York State. Accordingly, school districts in New York State may take action when students engage in off-campus conduct that would foreseeably create a risk of substantial disruption within the school and should consider doing so, as part of a comprehensive approach to intervening to prevent harassment and cyberbullying that includes interventions other than out-of-school suspension.

Because this area of law continues to evolve, NYSED recommends that districts, BOCES, and charter schools consult with their attorneys in developing policies – and periodically reviewing existing policies – on bullying, cyberbullying, and sexting to determine whether the proposed policy is consistent with case law and Commissioner's decisions.

### **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.

### **Analysis of anti-bullying legislation and reporting requirements**

Since 2006, approximately 20 states have enacted cyberbullying legislation. A review of this enacted legislation shows a focus on expanding the definition of bullying and/or harassment to include the use of information technology equipment, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to carry out the acts.

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

## APPENDIX A

# Dignity for All Students Act (Dignity Act) Glossary, Acronym Guide & Questions & Answers For Schools

## 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 foster civility in public schools.

The Dignity Act explicitly provides that no student must be subjected to discrimination and/or harassment by employees and/or students on school property or at a school function based on his or her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. [www.regents.nysed.gov/meetings/2011Meetings/June2011/611p12d4.pdf](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 government agencies and international groups and/or organizations. These definitions are included here for reference purposes to further assist school districts, BOCES and charter schools in their Dignity Act implementation efforts. However, it is recommended that districts, BOCES, and charter schools consult with their attorneys regarding the implementation of the Dignity Act.

## **Section I – Dignity Act Statutory Definitions**

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

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Vehicle and Traffic Law §142 and Education Law §11[1]).

**School Function** means a school-sponsored extra-curricular event or activity (Education Law §11[2]).

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).

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

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

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

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

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

## **Section II – Dignity Act Related Terms Definitions**

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

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

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

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

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<sup>3</sup> 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](http://www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx)

<sup>4</sup> 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/](http://www.who.int/gender/whatisgender/en/)

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

Examples of bullying include, but are not limited to:

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

[www.stopbullying.gov/what-is-bullying/index.html](http://www.stopbullying.gov/what-is-bullying/index.html)

For more information, please see NYSED's Guidance on Bullying and Cyberbullying: [http://www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.pdf](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf).

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

Examples of cyberbullying include, but are not limited to:

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

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

- Sent 24 hours a day, 7 days a week, 365 days a year.

- Distributed quickly to a very wide audience.
- Sent anonymously.

[www.stopbullying.gov/topics/cyberbullying/](http://www.stopbullying.gov/topics/cyberbullying/)

For more information, please see NYSED's Guidance on Bullying and Cyberbullying: [http://www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.pdf](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf).

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

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

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

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

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

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

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

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

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

[www.justice.gov/opa/pr/2001/December/01\\_crt\\_656.htm](http://www.justice.gov/opa/pr/2001/December/01_crt_656.htm)

**Race** has been described by the National Center for Education Statistic as the groups to which individuals belong, identify with, or belong in the eyes of the community.

<http://nces.ed.gov/ipeds/reic/definitions.asp>

For reference purposes, it should be noted that the New York State Education Department (Department) reports aggregate racial and ethnic data to the U.S. Department of Education in the following seven categories: (1) Hispanic/Latino; (2) American Indian or Alaskan Native; (3) Asian; (4) Black or African American; (5) Native Hawaiian or Other Pacific Islander; (6) White; or (7) Two or more races.

**Religion** may be defined, according to the United Nations, as either religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.

<http://unstats.un.org/unsd/demographic/sconcerns/popchar/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](http://www.eeoc.gov/policy/docs/religion.html#_Toc203359487)

## **School Climate**

*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for*

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

**Sex** - The World Health Organization has stated that sex refers to the biological and physiological characteristics that define men and women. [www.who.int/gender/whatisgender/en](http://www.who.int/gender/whatisgender/en)

**Sexting** has been described by the New York State Division of Criminal Justice Services as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email. [http://criminaljustice.state.ny.us/missing/i\\_safety/i\\_intro.htm](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](http://www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx)

## Dignity Act Acronym Guide

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

## Dignity Act Basics

### **1. What is the Dignity for All Students Act?**

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

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

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

### **2. When does the Dignity Act take effect?**

The Dignity Act takes effect on July 1, 2012.

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

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

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

- Teachers are caring and respectful in their interactions with students.
- Teachers embrace student diversity as an asset in the classroom.
- Students exhibit respectful classroom interactions.
- Teachers know and implement policies and procedures to ensure student safety.

<http://engageny.org/resource/new-york-state-teaching-standards>

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

The six ISLLC Standards include:

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

These ISLLC standards are also key to the implementation of the Dignity Act's intent to provide all public elementary and secondary school students with a safe and supportive learning environment free from discrimination, harassment, bullying, taunting or intimidation and fostering civility in public schools.

[http://engageny.org/wp-content/uploads/2012/02/ISLLC-Standards\\_2008.pdf](http://engageny.org/wp-content/uploads/2012/02/ISLLC-Standards_2008.pdf)

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

The Dignity Act prohibits harassment against students by students and/or employees on school property, as defined by Education Law §11(1), or at a school function, as defined by Education Law §11(2). For purposes of the Dignity Act, harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression) or sex.

The Dignity Act further prohibits discrimination against students by students and/or employees on school property or at a school function based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender (defined to include gender identity or expression), or sex.

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

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

## **6. Who is protected under the Dignity Act?**

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

## **7. Does the Dignity Act apply to Summer School?**

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

## **8. What is the relationship between bullying and harassment?**

Bullying is a form of harassment.

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

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

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

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<sup>5</sup> See, [www.who.int/gender/whatisgender/en](http://www.who.int/gender/whatisgender/en)

constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.<sup>6</sup>

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

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

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

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

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

For further information, please refer to the Department's Guidance on Bullying and Cyberbullying, at: [www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html)

Districts, BOCES and charter schools, in consultation with their attorneys, can also consider non-punitive options when addressing problematic off-campus behavior. Additionally, districts, BOCES and charter schools should not fail to prevent or address in-school

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<sup>6</sup> See, [www.who.int/gender/whatisgender/en/](http://www.who.int/gender/whatisgender/en/)

<sup>7</sup> See, [www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx](http://www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx)

<sup>8</sup> See, [www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx](http://www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx)

harassment simply because the involved students are also experiencing harassment outside of school.

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

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

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

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

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

### **Board of Education, Trustees or Sole Trustee Dignity Act Responsibilities**

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

**Dignity Act Code of Conduct Requirements** - Education Law §12(2), requires the board of education and the trustee or sole trustee of every school district to include an age-appropriate version, written in plain-language, of Education Law §12(1)'s policy prohibiting

the discrimination and harassment of students by students and/or employees on school property or at a school function in the codes of conduct they adopt, as well in the codes of conduct summary that they are required to prepare, pursuant to Education Law §2801. Also, as stated above, the Dignity Act amended Education Law §2801 to require all codes of conduct to include provisions to comply with the Dignity Act requirements contained in Title I, Article 2 of the Education Law (see Education Law §2801[2][n]).

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

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

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

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

Additionally, Commissioner's Regulation 100.2(jj) requires that boards of education and the trustee or sole trustee of every school district approve the designation of at least one staff member at every school as a Dignity Act Coordinator (DAC), and that the DAC be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. It should be noted that the Dignity Act does not require or prescribe a specific format for this training. Districts, BOCES, and charter schools have flexibility in determining how best to deliver it.

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

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

## School Administrator Responsibilities

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

As the leader in the school, the administrator should perform a proactive leadership role in implementing adopted district, BOCES or charter school policies and guidelines. This should include, but not be limited to creating and maintaining a visible presence in the school, as well as actively participating in Dignity Act training and outreach programs.

The school administrator should also work as a partner with his or her school's Dignity Act Coordinator to promote a safe and supportive school, including a positive school climate.

## The School Dignity Act Coordinator

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

Yes. The Dignity Act requires that at least one staff member at every public school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) (which includes actual or perceived sex and a person's gender (including gender identity or expression), and sex. As stated above, this staff member should be referred to as the Dignity Act Coordinator.

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

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

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

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

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

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

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

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

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

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

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

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

**Responses to Harassment, Discrimination and Bullying**

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

According to the StopBullying.gov web site, “bullying can affect everyone—those who are bullied, those who bully, and those who witness bullying. Bullying is linked to many negative outcomes including impacts on mental health, substance use, and suicide. It is important to talk to kids to determine whether bullying—or something else—is a concern.”

[www.stopbullying.gov/at-risk/effects/index.html](http://www.stopbullying.gov/at-risk/effects/index.html)

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

- May have higher risk of depression and anxiety, including the following symptoms, that may persist into adulthood:
  - Increased feelings of sadness and loneliness;
  - Changes in sleep and eating patterns; and
  - Loss of interest in activities they use to enjoy.
- May be at risk of suicide.
- May be more likely to have health complaints.
- May have decreased academic achievement and school participation.
- May be more likely to miss, skip, or drop out of school.
- May be more likely to retaliate through extremely violent measures. In 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied.

<http://www.stopbullying.gov/topics/effects/index.html>

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

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

### **Do:**

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

### **Avoid these common mistakes:**

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

**Get police help or medical attention as appropriate if:**

A weapon is involved.

There are threats of serious physical injury.

There are threats of hate-motivated violence, such as racism or homophobia.

There is serious bodily harm.

There is sexual abuse.

Anyone is accused of an illegal act, such as robbery or extortion—using force to get money, property, or services.

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

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

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

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

According to the federal StopBullying.gov web site:

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

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

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

For example:

**Sometimes children bully to fit in.** These children can benefit from participating in positive activities. Involvement in sports and clubs can enable them to take leadership roles and make friends without feeling the need to bully.

Other times children act out because something else—issues at home, abuse, stress—is going on in their lives. They also may have been bullied. These children may be in need of additional support, such as [mental health services](#).

**Use consequences to teach.** Consequences that involve learning or building empathy can help prevent future bullying. School staff should remember to follow the guidelines in the code of conduct or disciplinary rules and procedures, in the case of charter schools that do not have codes of conduct, and other policies in developing consequences and assigning discipline. For additional information and recommendation on how help students who exhibit harassing or bullying behavior, refer to:

### **Specific Dignity Act Related Incidents**

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

Yes, as long as the student is by being subjected to bullying and harassment by other students and/or employees on school property or at a school function. The intent of the Dignity Act is to provide all public school students with an environment free from discrimination and harassment, including bullying, taunting or intimidation, as well as to foster civility in public schools, regardless of the reason for the bullying and harassing behavior.

### **Student Instruction**

- 1. Is Dignity Act related instruction required for students?**

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

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

- 2. Does this mean students must attend a “Dignity Act” class?**

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

Educators may develop a variety of lessons that incorporate and support the positive nondiscriminatory principles of the Dignity Act, including fostering a safe and supportive school climate and culture. This could potentially be translated into learning activities in,

classes including, but not limited to a physical education class, an English Language Arts class, or even an art class. Educators may want to evaluate current curricula to ensure that these themes are integrated into their classroom materials.

A **voluntary internal** tool is available for districts and BOCES<sup>9</sup> to use as they work to incorporate the Dignity Act into their lessons and the overall fabric of the school community. See: [www.p12.nysed.gov/dignityact/documents/DignityActLessonPlanTemplate\\_1.pdf](http://www.p12.nysed.gov/dignityact/documents/DignityActLessonPlanTemplate_1.pdf).

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

Please access resources on the Dignity Act web site at: [www.p12.nysed.gov/dignityact](http://www.p12.nysed.gov/dignityact).

There are also many resources available on the Dignity Act Facebook page at:

[www.facebook.com/dignityact](http://www.facebook.com/dignityact).

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

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

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

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

## **Dignity Act Compliance**

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

Once an allegation or report of bullying is made, the school district or BOCES has a responsibility to take appropriate action, which includes investigation and taking necessary steps to protect those involved. All districts and BOCES must adopt and enforce a code of conduct for the maintenance of order on school property and at school functions. The code of conduct must govern the conduct of students, teachers, other school employees and visitors and must include the procedures to be followed in such situations (Education Law §2801[2] and 8 NYCRR §100.2[1][2][i]).

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

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

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

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

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

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

Individuals may file an appeal with the New York State Commissioner of Education. Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education for a review of such action. Education Law §306 allows the Commissioner of Education to remove a trustee, member of a board of education and certain other school officers for willful misconduct or neglect of duty. For more information regarding this appeal process, see:

[www.counsel.nysed.gov/appeals](http://www.counsel.nysed.gov/appeals).

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

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

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

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;

- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- Directory information, and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

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

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

## 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/poloverview.html](http://www2.ed.gov/about/offices/list/ocr/poloverview.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.<sup>1</sup> 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 style="text-align: center;"><b><i>Alaska Native Knowledge Network (ANKN)</i></b></p> <p style="text-align: center;"><a href="http://ankn.uaf.edu/Resources/course/view.php?id=2">http://ankn.uaf.edu/Resources/course/view.php?id=2</a></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>			X		X		
<p style="text-align: center;"><b>American Federation of Teachers (AFT)</b></p> <p style="text-align: center;"><a href="http://www.aft.org/yourwork/tools4teachers/bullying/index.cfm">www.aft.org/yourwork/tools4teachers/bullying/index.cfm</a></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>	X				X	X	X

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>American Psychological Association (APA)</b></p> <p><a href="http://www.apa.org/helpcenter/bullying.aspx">www.apa.org/helpcenter/bullying.aspx</a></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>	X				X		X
<p><b>Anti-Defamation League (ADL): A World of Difference Institute</b></p> <ul style="list-style-type: none"> <li>• <a href="http://www.adl.org/combatbullying/BeAnAlly.pdf">www.adl.org/combatbullying/BeAnAlly.pdf</a> (be an ally)</li> <li>• <a href="http://www.adl.org/education/curriculum_connections">www.adl.org/education/curriculum_connections</a> (curriculum)</li> <li>• <a href="http://www.adl.org/prejudice/default.asp">www.adl.org/prejudice/default.asp</a> (prejudice)</li> </ul> <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 href="http://www.adl.org/aworldofdifference">A World of Difference Institute®</a> 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>	X		X	X	X	X	X

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Bridging Refugee Youth and Children's Services (BRYCS)</b></p> <p><a href="http://www.brycs.org/clearinghouse/Highlighted-Resources-Bullying.cfm">www.brycs.org/clearinghouse/Highlighted-Resources-Bullying.cfm</a></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>	X		X		X		
<p><b>Brown University</b></p> <p><a href="http://www.alliance.brown.edu/tdl">www.alliance.brown.edu/tdl</a></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>			X				

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>California Department of Education</b></p> <p><a href="http://chks.wested.org">http://chks.wested.org</a></p> <p>The California Healthy Kids Survey (CHKS) is the largest statewide survey of resiliency, protective factors, and risk behaviors in the nation.</p>						X	
<p><b>Centers for Disease Control and Prevention (CDC)</b></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.</p> <p><a href="http://www.cdc.gov/violenceprevention/pub/YV_bestpractices.html">www.cdc.gov/violenceprevention/pub/YV_bestpractices.html</a></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. <a href="http://www.cdc.gov/lgbthealth/youth.htm">www.cdc.gov/lgbthealth/youth.htm</a></p>	X	X			X	X	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>City College of San Francisco</b></p> <p><a href="http://www.ccsf.edu/Resources/Tolerance">www.ccsf.edu/Resources/Tolerance</a></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>					X		
<p><b>Collaborative for Academic, Social and Emotional Learning (CASEL)</b></p> <p><a href="http://casel.org">http://casel.org</a></p> <p>CASEL's mission is to establish social and emotional learning as an essential part of education.</p>						X	
<p><b>Common Sense Media</b></p> <p><a href="http://www.commonsensemedia.org/educators/cyberbullying-toolkit">www.commonsensemedia.org/educators/cyberbullying-toolkit</a></p> <p>A nonprofit organization, offers a free <a href="#">Digital Literacy &amp; Citizenship Curriculum</a> 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>	X		X	X	X		
<p><b>Connect Safely</b></p> <p><a href="http://www.connectsafely.org">www.connectsafely.org</a></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>				X			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Cyberbullying Research Center</b></p> <p><a href="http://www.cyberbullying.us">www.cyberbullying.us</a></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>				X			
<p><b>Facing History and Ourselves</b></p> <p><b>Error! Hyperlink reference not valid.</b></p> <p><a href="http://www.facinghistory.org/resources/collections/bullying">www.facinghistory.org/resources/collections/bullying</a></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 <a href="#">website</a> contains resources and tools for teachers and students.</i></p>	X		X		X		
<p><b>Gay, Lesbian, Straight, Education Network (GLSEN)</b></p> <p><a href="http://www.glsen.org/cgi-bin/iowa/all/educator/index.html">www.glsen.org/cgi-bin/iowa/all/educator/index.html</a></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>		X	X		X	X	X

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>George Washington University: Hamilton Fish Institute</b></p> <p><a href="http://www.hamfish.org/newsroom/bullying411.pdf">www.hamfish.org/newsroom/bullying411.pdf</a></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>	X						
<p><b>Groundspark: Respect For All Project</b></p> <p><a href="http://groundspark.org/respect-for-all">http://groundspark.org/respect-for-all</a></p> <p>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.</p>		X	X		X	X	
<p><b>International Bullying Prevention Association</b></p> <p><a href="http://www.stopbullyingworld.org">www.stopbullyingworld.org</a></p> <p>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.</p>	X					X	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>i-SAFE</b></p> <p><a href="http://www.isafe.org">www.isafe.org</a></p> <p>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.</p>				X			
<p><b>It Gets Better Project</b></p> <p><a href="http://www.itgetsbetter.org">www.itgetsbetter.org</a></p> <p>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 of love and support, and seek help through the Trevor Project and GLSEN.</p>		X					
<p><b>Jamie Nabozny</b></p> <p><a href="http://www.jamienabozny.com">www.jamienabozny.com</a></p> <p>Throughout middle school and high school, Jamie Nabozny was bullied for being gay. With the help of Lambda Legal Defense and Education Fund I fought back. I won a landmark federal lawsuit against my school administrators for failing to stop the harassment.</p>		X					

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Kidscape</b></p> <p><a href="http://www.kidscape.org.uk">www.kidscape.org.uk</a></p> <p>Agency established to prevent bullying and child sexual abuse. Site provides tips for children, parents, and educators on how to recognize and prevent bullying. Free downloads.</p>	X				X		X
<p><b>Learning to Give</b></p> <p><a href="http://www.learningtogive.org/about/index.asp">www.learningtogive.org/about/index.asp</a></p> <p><i>Learning to Give</i> educates youth about the importance of philanthropy, the civil society sector, and civic engagement. The Learning to Give site offers K-12 lessons and resources for teachers, parents, and community leaders free of charge.</p>	X				X		
<p><b>Michigan State University (MSU) Library</b></p> <p><a href="http://staff.lib.msu.edu/corby/education/multicultural.htm">http://staff.lib.msu.edu/corby/education/multicultural.htm</a></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>	X		X		X		
<p><b>Morningside Ctr for Teaching Social Responsibility</b></p> <p><a href="http://www.morningsidecenter.org">www.morningsidecenter.org</a></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>	X					X	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>National Association for Multicultural Education (NAME)</b></p> <p><a href="http://nameorg.org/resources/bullying/">http://nameorg.org/resources/bullying/</a></p> <p>NAME is a non-profit organization that advances and advocates for equity and social justice through multicultural education.</p>	X		X				
<p><b>National Association of School Psychologists (NASP)</b></p> <p><a href="http://www.nasponline.org/resources/factsheets/bullying_fs.aspx">www.nasponline.org/resources/factsheets/bullying_fs.aspx</a></p> <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>	X					X	
<p><b>National Bullying Prevention Center</b></p> <p><a href="http://www.pacer.org/bullying">www.pacer.org/bullying</a></p> <p><a href="http://www.pacerkidsagainstbullying.org">www.pacerkidsagainstbullying.org</a></p> <p><a href="http://www.pacerteensagainstbullying.org/#/home">www.pacerteensagainstbullying.org/#/home</a></p> <p>Interactive website to educate kids and teens about bullying. Includes games and articles.</p>	X			X	X	X	X
Sponsoring Organization/Agency &	Resource Categories						

Web Site Address	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>National Center for Missing &amp; Exploited Children (NCMEC)</b></p> <p><a href="http://www.netsmartskids.org">www.netsmartskids.org</a> (children)</p> <p><a href="http://www.nsteens.org">www.nsteens.org</a> (twens)</p> <p><a href="http://www.netsmartz.org">www.netsmartz.org</a> (teens)</p> <p>Program created with Internet safety experts at <a href="#">NetSmartz® Workshop</a>, a program of <a href="#">NCMEC</a>. 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>	X			X	X		X
<p><b>NEA's Bully Free: It Starts With Me</b></p> <p><a href="http://www.nea.org/home/NEABullyFreeSchools.html">www.nea.org/home/NEABullyFreeSchools.html</a></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>	X				X	X	X
<p><b>National Crime Prevention Council</b></p> <p><a href="http://www.ncpc.org/search?SearchableText=bully">www.ncpc.org/search?SearchableText=bully</a></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>	X			X	X		X

Sponsoring Organization/Agency & Web Site Address	Resource Categories				
	General	LGBTQ	Cultural	Cyber Issues	Classroom
<p><b>National Cyber Security Alliance</b>  <a href="http://www.staysafeonline.org">www.staysafeonline.org</a></p> <p>Provides free lesson plans to teach students how to safely navigate social networking websites.</p>				X	
<p><b>National Park Service – Martin Luther King, Jr. Memorial</b>  <a href="http://www.nps.gov/malu/forteachers/lessonplansandteacherguides.htm">www.nps.gov/malu/forteachers/lessonplansandteacherguides.htm</a></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>			X		
<p><b>National School Climate Center (NSCC)</b>  <a href="http://www.schoolclimate.org/bullybust/resources/key_resources">www.schoolclimate.org/bullybust/resources/key_resources</a></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>	X				
<p><b>National School Safety Center</b>  <a href="http://www.schoolsafety.us">www.schoolsafety.us</a></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>	X				

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Nemours Foundation</b> <a href="http://kidshealth.org">http://kidshealth.org</a></p> <p>A nonprofit organization devoted to improving the health of children. Type “bullying” into search window. Spanish available.</p>	X				X		X
<p><b>New York State Center for School Safety (NYSCSS)</b> <a href="http://nyscenterforschoolsafety.org">http://nyscenterforschoolsafety.org</a></p> <p>The NYSCSS provides technical support and training on a variety of school safety-related laws, including SAVE, VADIR, and the Dignity Act.</p>	X	X	X	X	X	X	X
<p><b>New York State Education Department (NYSED)</b> <a href="http://www.p12.nysed.gov/dignityact">www.p12.nysed.gov/dignityact</a> The Dignity for All Students Act web site. <a href="http://www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf">www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf</a> <i>Social/Emotional Development and Learning (SEDL) Guidelines</i>: Developed by NYSED and adopted by the Board of Regents on July 18, 2011. <a href="http://www.p12.nysed.gov/technology/internet_safety">www.p12.nysed.gov/technology/internet_safety</a> Guidance on cyberbullying and Internet safety.</p>	X	X	X	X	X	X	
<p><b>Olweus Bullying Prevention Program</b> <a href="http://www.olweus.org">www.olweus.org</a></p> <p>The <i>Olweus Program</i> is designed to improve peer relations and make schools safer, more positive places for students to learn and develop.</p>	X				X	X	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>OnGuardOnline.Gov</b></p> <p><a href="http://onguardonline.gov/topics/protect-kids-online">http://onguardonline.gov/topics/protect-kids-online</a> 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.</p>				X	X		X
<p><b>Operation Respect</b></p> <p><a href="http://www.operationrespect.org">www.operationrespect.org</a></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>	X		X		X	X	X
<p><b>Parents, Families, &amp; Friends of Lesbians &amp; Gays (PFLAG)</b> <a href="http://www.pflag.org">www.pflag.org</a></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 web site</i>.</p>	X	X					X

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Positive Behavioral Interventions &amp; Supports (PBIS)</b></p> <p><a href="http://www.pbis.org">www.pbis.org</a></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>					X	X	
<p><b>Public Broadcasting Service (PBS)</b></p> <p><a href="http://pbskids.org/itsmylife//parents/resources/bullies.html">http://pbskids.org/itsmylife//parents/resources/bullies.html</a></p> <p>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.</p>	X				X		X
<p><b>Queering Education Research Institute (QuERI)</b></p> <p><a href="http://www.queeringeducation.org">www.queeringeducation.org</a></p> <p>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.</p>		X					

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Relational Aggression</b></p> <p><a href="http://relationalaggression.com/index.html">http://relationalaggression.com/index.html</a></p> <p>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.</p>	X					X	
<p><b>Rutgers University</b></p> <p><a href="http://comminfo.rutgers.edu/professional-development/childlit/Bullying.html">http://comminfo.rutgers.edu/professional-development/childlit/Bullying.html</a></p> <p>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.</p>	X	X	X	X	X	X	X
<p><b>Safety Web</b></p> <p><a href="http://www.safetyweb.com">www.safetyweb.com</a></p> <p>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.</p>				X			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Sesame Street</b></p> <p><a href="http://www.sesamestreet.org/parents/topicsandactivities/topics/bullying">www.sesamestreet.org/parents/topicsandactivities/topics/bullying</a></p> <p>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.</p>	X				X	X	X
<p><b>Southern Poverty Law Center – Teaching Tolerance</b></p> <p><a href="http://www.teachingtolerance.org">www.teachingtolerance.org</a></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>	X		X		X	X	
<p><b>Stop Cyberbullying.Org</b></p> <p><a href="http://www.stopcyberbullying.org">www.stopcyberbullying.org</a></p> <p>Wired Kids Inc. provides kid-friendly information on what cyber bullying is, why it happens, and how to prevent it.</p>				X			

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>Striving To Reduce Youth Violence (STRYVE)</b></p> <p><a href="http://www.safeyouth.gov/Pages/Home.aspx">www.safeyouth.gov/Pages/Home.aspx</a></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>	X				X		
<p><b>Tanenbaum Center for Interreligious Understanding</b></p> <p><a href="http://www.tanenbaum.org/programs/education">www.tanenbaum.org/programs/education</a></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>			X		X		
<p><b>The Lower East Side Tenement Museum</b></p> <p><a href="http://www.tenement.org/education_lessonplans.html">www.tenement.org/education_lessonplans.html</a></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>			X		X		

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>The Trevor Project</b></p> <p><a href="http://www.trevorproject.org">www.trevorproject.org</a></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>		X					
<p><b>U.S. Department of Education – Office of Civil Rights</b></p> <ul style="list-style-type: none"> <li>• <a href="http://www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html">www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html</a> Guidance Counselor Role in Ensuring Equal Educ. Opportunity</li> <li>• <a href="http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf">www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf</a></li> <li>• Dear Colleague Letter Harassment and Bullying (October 26, 2010)</li> <li>• Safe and Supportive Schools Technical Assistance Ctr <a href="http://safesupportiveschools.ed.gov/">http://safesupportiveschools.ed.gov/</a></li> </ul>	X				X	X	

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>U.S. Department of Health and Human Services: Office on Women's Health</b></p> <p><a href="http://www.girlshealth.gov/bullying">www.girlshealth.gov/bullying</a></p> <p>The Office on Women's Health's (OWH) provides guidance to promote health for women/girls via sex/gender-specific approaches.</p>	X			X	X		
<p><b>U.S. Department of Justice (DOJ)</b></p> <p><a href="http://www.ojp.usdoj.gov/cds/internet_safety/NCPC/Stop%20Cyberbullying%20Before%20It%20Starts.pdf">http://www.ojp.usdoj.gov/cds/internet_safety/NCPC/Stop%20Cyberbullying%20Before%20It%20Starts.pdf</a></p> <p>Stop Cyberbullying Before It Starts</p> <p><a href="http://blogs.usdoj.gov/blog/archives/1088">http://blogs.usdoj.gov/blog/archives/1088</a></p> <p>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.</p>	X	X		X	X	X	X
<p><b>U.S. Government Agencies (Other)</b> <a href="http://www.stopbullying.gov">www.stopbullying.gov</a></p> <p>Provides information from federal government agencies on how <a href="#">kids</a>, <a href="#">teens</a>, <a href="#">young adults</a>, <a href="#">parents</a>, <a href="#">educators</a> and others in the <a href="#">community</a> can prevent or stop bullying.</p>	X	X	X	X	X	X	X

Sponsoring Organization/Agency & Web Site Address	Resource Categories						
	General	LGBTQ	Cultural	Cyber Issues	Classroom	School Climate & SEDL	Student & Parent
<p><b>U.S. Holocaust Memorial Museum</b></p> <p><a href="http://www.ushmm.org/education">www.ushmm.org/education</a></p> <p>Educational resources for schools.</p>			X				
<p><b>Web Quests</b></p> <p>1. <a href="http://www2.maxwell.syr.edu/plegal/tips/t4prod/weisswg1.html">www2.maxwell.syr.edu/plegal/tips/t4prod/weisswg1.html</a> Violence in Schools: Student Victimization (MS/HS)</p> <p>2. <a href="http://olc.spsd.sk.ca/DE/webquests/bullywg/index.htm">http://olc.spsd.sk.ca/DE/webquests/bullywg/index.htm</a> Stop the Hurt (grades 4-6)</p> <p>3. <a href="http://www.gecdsb.on.ca/d&amp;g/nobullying/index.html">www.gecdsb.on.ca/d&amp;g/nobullying/index.html</a> A No Bullying Proposal (MS)</p> <p>4. <a href="http://bgeagles.tripod.com/webquest/index.htm">http://bgeagles.tripod.com/webquest/index.htm</a> Bye-bye Bully (grade 4)</p>	X				X		
<p><b>Welcoming Schools</b></p> <p><a href="http://www.welcomingschools.org">www.welcomingschools.org</a></p> <p>Welcoming Schools is an LGBT-inclusive approach to addressing <a href="#">family diversity</a>, <a href="#">gender stereotyping</a> and <a href="#">bullying</a> 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.</p>	X	X			X	X	

## **APPENDIX D**

### **Selected Resources Consulted**

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