

**Implementing the
New York State
Dignity For All Students Act
(Dignity Act)**

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

Dignity Act Basics

- Signed into law Sept 13, 2010 - takes effect July 1, 2012
- Addresses issues related to harassment and discrimination in schools – including amendments to codes of conduct
- Amended State Education Law by creating a new Article 2 – Dignity for All Students Act
- As a result of the Dignity Act, the Board of Regents amended Commissioner's Regulation 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 **race**, **color**, **weight**, **national origin**, **ethnic group**, **religion**, religious practice, **disability**, **sexual orientation**, **gender**, and **sex**.

Dignity Act Task Force



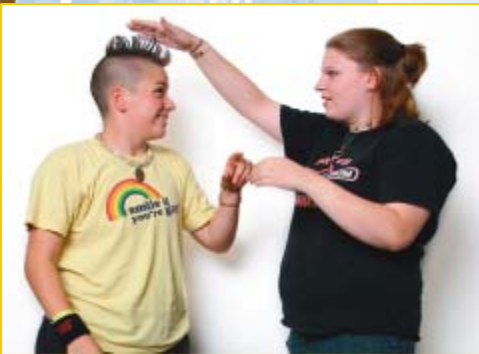
Dignity Act Task Force Work Groups

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





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



Key Regulatory Accomplishments

- Amendments:

- 8 NYCRR 100.2(l) Code of Conduct
- 8 NYCRR 100.2(c) Instruction in Civility, Citizenship, and Character Education

- NEW Regulations:

- 100.2(jj) Staff Development & Dignity Act Coordinator
- 100.2(kk) Dignity Act Reporting

Regulatory Amendments

Amendment to section 100.2(I) of the Commissioner's Regulations, Relating To Codes of Conduct & Addition of section 119.6 of the Commissioner's Regulations, Relating to Codes of Conduct in Charter Schools



Regulatory Amendments

- The amendment to 100.2(l) requires codes of conduct to include:
- provisions prohibiting discrimination and harassment against any student by employees or students 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 nature that:

Regulatory Amendments

- (1) has or would have the effect of unreasonably and substantially interfere with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- (2) reasonably cause or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is 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;

Regulatory Amendments

- Each board of education and board of cooperative educational services shall ensure community awareness of its code of conduct by:
- posting the complete code of conduct, respectively, on the Internet web site of the school or school district, or of the board of cooperative educational services, including any annual updates to the code...



Regulatory Amendments

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

Addition of NEW section 119.6 of the Commissioner's Regulations, Relating to Codes of Conduct in Charter Schools

119.6 Policies against discrimination and harassment. Each charter school shall include in its disciplinary rules and procedures pursuant to Education Law section 2851(2)(h) or, if applicable, in its code of conduct:

**New section 119.6 (Charter Schools)
mirrors provisions in
Amendment to 100.2(I)**

Regulatory Amendments

Amendment to section 100.2(c) of the Commissioner's Regulations, Relating to Instruction to Raise Awareness and Sensitivity to Discrimination and Harassment



Regulatory Amendments

For all public school students, instruction that supports development of a school environment free of discrimination and harassment, as required by the Dignity For All Students Act (article 2 of the Education Law), including but not limited to instruction that raises awareness and sensitivity to discrimination or harassment based on a person's actual or perceived **race**, color, **weight**, **national origin**, ethnic group, **religion**, religious practice, **disability**, sexual orientation, **gender** or **sex**; provided that in public schools other than charter schools, such instruction shall be provided as part of a component on civility, citizenship and character education in accordance with section 801-a of the
Education Law

Current State-Level Activities

NEW REGULATION

**8 NYCRR 100.2 (jj):
Dignity Act
School Employee
Training Program**



www.regents.nysed.gov/meetings/2012Meetings/May2012/512bra6.pdf

Current State-Level Activities

- On or before July 1, 2012, school districts and charter schools shall establish guidelines for its school(s) to implement, commencing with the 2012-2013 school year and continuing in each school year thereafter, Dignity for All Students school employee training programs to promote a positive school environment that is free from discrimination and harassment; and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.
- Such guidelines shall be approved by the board of education, trustees or sole trustee of the school district (or by the chancellor of the city school district, in the case of the City School District of the City of New York) or by the board of trustees of the charter school.

Current State-Level Activities

- Training may be implemented and conducted in conjunction with existing professional development training pursuant to 100.2(dd)(2)(ii) and/or with other training for instructional and non-instructional staff.
- Training to raise awareness and understanding of the Code of Conduct

Current State-Level Activities

- Raise awareness and sensitivity to potential acts of discrimination or harassment directed at students by students or staff on school property or at school functions; including, but not limited to, incidents based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex
- Enable staff to prevent and respond to incidents of harassment and discrimination

Current State-Level Activities

School Dignity Act Coordinator (DAC)

- At least one employee in every school shall be designated as a DAC and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex
- Each DAC shall be approved by the board of education – and their name and contact information shared with staff, students, and persons in parental relation – via posting on the Internet, signs, etc.

Current State-Level Activities

- **NEW Regulation**
**8 NYCRR 100.2 (kk):
Dignity Act Reporting**

NOTE: Closing date for public
comment is August 7, 2012



Check the NYS Register to comment on the **DRAFT**
regulatory amendment at:

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

Current State-Level Activities

Material Incident of Discrimination & Harassment:

Means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or 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:

- a) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional and/or physical well-being; or
- b) Reasonably causes or would reasonably be expected to cause a student to fear for her or her physical safety.

Current State-Level Activities

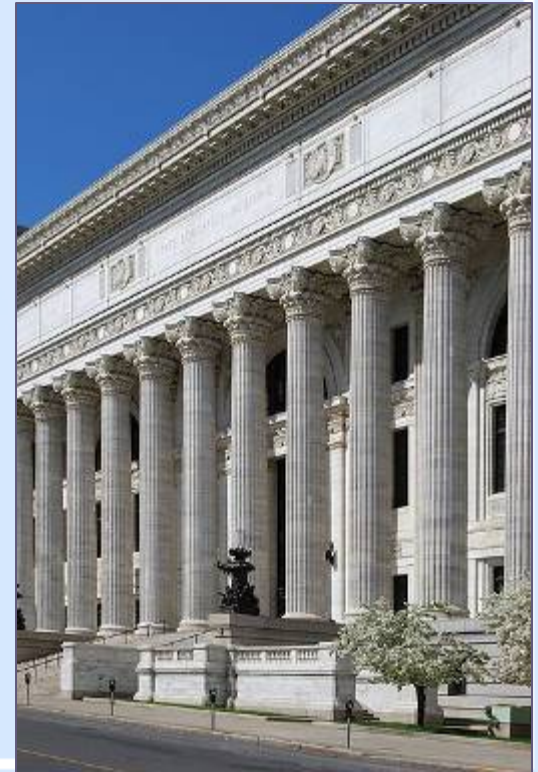
Material Incident of Discrimination & Harassment:

Such conduct shall include, but not be 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...



Current State-Level Activities

- Annual reporting by school districts, BOCES, and charter schools – starting with incidents in the 2012-13 school year
- Reporting in a manner prescribed by the Commissioner



Current State-Level Activities

- **Such report shall include information describing the specific nature of the incident, including but not limited to:**
 - the type of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex, or other)

Current State-Level Activities

- **Where multiple types of bias are involved they shall all be reported...**
 - **Whether the incident resulted from student and/or employee conduct**
 - **Whether the incident involved physical conduct and/or verbal threats, intimidation, or abuse; and**
 - **The local where the incident occurred (on school property and/or at a school function)**

Current State-Level Activities

- **Reports shall include all material incidents of discrimination and harassment that:**
 - Are the result of the investigation of a written or oral complaint made to the principal or other school administrator responsible for school discipline, or to any other school employee, **OR**
 - Are otherwise directly observed by such principal or administrator, or by any other school employee regardless of whether a complaint is made.

Outreach and Voluntary Tools



DASA@MAIL.NYSED.GOV



The Dignity Act Home

Laws and Regulations

The Dignity Act Task Force

Implementation Resources

Articles and Web Sites

Contact Us

NYSED / P-12 / OCIFS / Dignity Act / The Dignity Act Home

The Dignity for All Students Act

New York State's Dignity for All Students Act (The Dignity Act) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.



The Dignity Act was signed into law on September 13, 2010 and takes effect on July 1, 2012.

This legislation amended State Education Law by creating a new Article 2 – Dignity for All Students. The Dignity Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct.

Additionally, under the Dignity Act, schools will be responsible for collecting and reporting data regarding material incidents of discrimination and harassment.

DIGNITY ACT NEWS

- The New York State Education Department (SED) and the Dignity Act Local Policy and Implementation Task Force have developed the following [guidance document](#) to assist schools in updating their Codes of Conduct in accordance with the requirements of the Dignity Act and its implementing regulations (Education Law §12 [2] and 8 NYCRR §100.2[1][2]). (4/10/12)
- The [Dignity Act Voluntary Implementation Self-Assessment Tool](#) was developed as an optional tool to assist BOCES, school districts, and charter schools as they work to implement the various components of the Dignity for All Students Act. This voluntary Self-Assessment Tool is designed for internal use only and should not be submitted to the State Education Department. Questions on the Dignity Act Voluntary



The Dignity for All Students Act

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The Dignity Act seeks to provide public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus or at a school

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337

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The Dignity Act

Highlights

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Write something...

The Dignity for All Students Act
Yesterday

When Sawyer Rosenstein was 12, a punch from a bully changed his life forever, leaving him paralyzed, and at times, near death from the complications of his condition. Now, six years after the assault, the New Jersey school district where he was a student has agreed to a \$4.2 million settlement.

http://usnews.msnbc.msn.com/_news/2012/04/19/11289813-42-million-settlement-for-student-paralyzed-by-bully?lite

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22 hours ago



Karen Jaroslow Siris

Bullying: What Schools Can Do. Radio Interview www.wn...

September 2010

FACT SHEET

The Dignity for All Students Act

Frequently Asked Questions

What is The Dignity Act?

The Dignity for All Students Act (The Dignity Act) was established with the broad legislative intent to provide a school environment free of discrimination and harassment.

What does New York State Education Department (NYSED) have to do?

- The Commissioner shall promulgate regulations to assist schools in implementing this legislation.
- The Commissioner shall create procedures under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department on an annual basis.
- The Commissioner shall provide direction which may include development of model policies related to preventing discrimination and harassment.

What does my Board of Education have to do?

- Develop policies intended to create a school environment that is free from discrimination or harassment.
- Develop guidelines for school training programs to discourage discrimination or harassment that are designed to:
 - ▶ Raise awareness and sensitivity of school employees to potential discrimination or harassment and;
 - ▶ To enable employees to prevent and respond to discrimination or harassment.
- Develop guidelines relating to the development of non-discriminatory instructional and counseling methods and require that at least one staff member be trained to handle human relations issues

Who is protected under this legislation?

Identified in the legislation are those who are subjected to intimidation or abuse based on actual or

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

Do schools need to provide this information to the public?

A plain language copy of the board approved Code of Conduct must be made available to the public.

How does The Dignity Act define "Harassment?"

Harassment is defined as "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;..."

What training will schools have to provide?

School districts will need to develop policies intended to create an environment that is free of discrimination or harassment and to establish guidelines for school training programs.

Why is The Dignity Act necessary?

The Act provides a response to the large number of harassed and stigmatized students skipping school and engaging in high risk behaviors by prohibiting discrimination in public schools and establishing the basis for protective measures such as training and model policies. The Dignity Act takes a major step in creating more nurturing environments in all our schools.

How does The Dignity Act relate to SAVE?

NYSED with the New York State Center for School Safety (NYSCSS) is developing guidance to correlate components of SAVE as they relate to The Dignity Act.

When is The Dignity Act effective?

The Dignity Act becomes effective on July 1, 2012.

Dignity Act Intent

The goal of the Dignity Act is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against and/or verbally and/or physically harassed.

All public elementary and secondary school students have the right to attend school in a safe, welcoming, considerate, and caring environment.



New York State Education Department
Office of Curriculum, Instruction and Field Services
Student Support Services
Room 318-M Education Building
Albany, New York 12234

518-486-6090
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The New York State Dignity for All Students Act (Dignity Act)

Effective July 1, 2012




DASA@MAIL.NYSED.GOV

DIGNITY FOR ALL STUDENTS ACT (Dignity Act)
VOLUNTARY SCHOOL DISTRICT IMPLEMENTATION SELF-ASSESSMENT TOOL





State Education Law §§10-18 and 801-a – Effective July 1, 2012
New York State public school students should have an environment free of discrimination and harassment.

This tool was developed as a **voluntary self-assessment** checklist designed to assist school districts (districts), boards of cooperative educational services (BOCES) and charter schools in evaluating their own Dignity Act compliance status. Please note that this checklist is **not** required to be submitted to the New York State Education Department (NYSED).

This tool includes the following sections:

-  **Policy Development** – Requirements and Recommendations
-  **Policy Implementation** – Requirements and Recommendations
-  **Policy Follow-Up and Response** - Requirements and Recommendations

All required items are noted by the use of one or more of the following symbols:

- NYS Dignity Act: State Education Law §§10-18 and 801-a¹ 
- NYS Safe Schools Against Violence in Education Act (SAVE): State Education Law §§2801 and 2802 
- NYS Commissioner of Education Regulation: 8 NYCRR §100.2 
- US Department of Education Office for Civil Rights (OCR): (1) Title VI of the Civil Rights Act of 1964 – prohibits discrimination on the basis of race, color, or national origin; (2) Title IX of the Education Amendments of 1972 – prohibits discrimination on the basis of sex; and (3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 – prohibits discrimination on the basis of disability. The implementing regulations for these statutes are in 34 C.F.R. parts 100, 104 and 106. When this symbol is used, it means one or more of the aforementioned civil rights laws are implicated. 

Items that do not include one of more of the above-referenced symbols are recommended best practices and not required.

www.p12.nysed.gov/dignityact/documents/DASASCHOOLIMPLEMENTATIONASSESSMENT3-26-12.pdf

¹ 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.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of Curriculum, Instruction and Field Services

[Integrating the Dignity Act Principles into Lesson Plans: A Sample Template](#)

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

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

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

1. Dignity Act Principles Addressed

(check any/all that apply):

- Honesty
- Tolerance
- Personal responsibility
- Respect for others
- Observance of laws and rules
- Courtesy
- Other traits (please list): _____



2. Grade Level/Subject Area:

Subject Area (please fill in): _____



3. Title of Lesson:

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

5. Relevance to Current Issues (if applicable):

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

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



7. Key Lesson Vocabulary:

8. Time Needed:

9. Materials/Technology:

10. Introduction (Hook):

11. Objectives:

12. Procedures:

13. Student Activities/Guiding Questions:



14. Differentiated Instruction:

- Reinforcement
- Extension
- English language learner (ELL) support
- Students with disabilities (SWD) support

15. Culminating Activity/Outcomes:

16. Assessment:



**Additional Resource and Guidance Materials
at: www.p12.nysed.gov/dignityact**

- **Dignity Act Resource Guide and Promising Practices Guide for School Administrators and Faculty**
- **Dignity Act Question & Answer Guidance**
- **Model Dignity Act Local Policies**

Key steps to take to assist in implementing the Dignity Act

(i) Review and revise current district policies and procedures to ensure compliance with federal Civil Rights and U.S. Department of Education statutes and regulations address which address peer harassment based on race, color, national origin, sex, or disability.



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

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

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

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

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



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

October 26, 2010

Dear Colleague:

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



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

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



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

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

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

(iii) The School Dignity Act Coordinator

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



The Dignity Act: School Climate & Culture

www.p12.nysed.gov/sss/sedl

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

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



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

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

If we could end hatred,

Imagine

what more we could do...



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

Where Can Schools Get More Information on the Dignity Act?

- **NYS Education Department**
 - DASA@mail.nysed.gov
 - 518-486-6090
 - www.p12.nysed.gov/dignityact
- **NYS Center for School Safety**
 - scss@ulsterboces.org
 - 845-255-8989
 - www.facebook.com/dignityact

