



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

TO: P-12 Education Committee
FROM: John B. King, Jr.
SUBJECT: Dignity for All Students Act Program Update
DATE: June 7, 2011
AUTHORIZATION(S):

SUMMARY

Issue for Discussion

An update on the implementation of the Dignity for All Students Act.

Reason(s) for Consideration

Compliance and implementation of Chapter 482 of the Laws of 2010 (Dignity For All Students Act).

Proposed Handling

This issue will come before the P-12 Education Committee for discussion in June 2011.

Procedural History

The Dignity For All Students Act (Chapter 482 of the Laws of 2010) was signed into law by Governor David Paterson on September 13, 2010. The passage of the Dignity For All Students Act amended the following provision of State Education Law:

- Title 1 – Article 2 *Dignity For All Students* (new)
- Title 1 – Article 17 Section 801-a *Instruction in Civility, Citizenship and Character Education* (amendment)
- Title 1 – Article 55 Section 2801 *Codes of Conduct on School Property* (amendment)

Background

A discussion item was presented to the Board in January 2011 outlining the basic provisions of the Dignity For All Students Act (Dignity Act), as well as plans for

developing guidance materials and recommendations for amending existing Commissioner's Regulations in anticipation of the July 1, 2012 effective date of the law.

The goal of the Dignity Act is to provide elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, on a school bus, or at a school function. This includes the importance of a comprehensive State and local approach to creating safe, supportive, and engaging learning spaces. The provisions of the Dignity Act make explicit in school policy and practice, that no student shall be subject to discrimination, harassment, or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students.

Implementation Progress

- A. Based on the recommendation presented at the January 2011 meeting of the Board, a Dignity For All Students Act Task Force has been established. The Task Force convened in Albany on April 8, 2011, and includes representatives of advocacy groups; professional and community associations; school districts; State agencies; and Department staff. This meeting included a briefing by the New York State Center for School Safety on the current status of discrimination, intimidation, harassment, and bullying in New York State's public schools, as well as an overview of the Dignity Act by the New York Civil Liberties Union. The next meeting is scheduled for August 16, 2011.

The work of the Task Force has been delegated to the following Dignity Act Work Groups. The Work Groups are co-chaired by Education Department staff and a representative of an advocacy group. Each of the following Work Groups convene on a regular basis to address their respective tasks.

1. Local Policy and Implementation
2. State Policy and Implementation
3. Professional Development
4. Curriculum and Instructional Design

The following is a list of organizations represented on the Dignity Act Task Force and Work Groups:

- Administration for Children's Services
- Anti-Defamation League
- Child Abuse Prevention Services
- Empire State Pride Agenda
- Gay, Lesbian and Straight Education Network
- Girls for Gender Equity
- Hunts Point Alliance for Children
- Inner Resilience Program
- Moravia Central School District
- New York Association for Gender Rights Advocacy

- New York Civil Liberties Union
- NYC Department of Education
- NYC Council of School Supervisors & Administrators
- NYS Association of Pupil Transportation
- NYS Association of School Attorneys
- NYS Association of School Nurses
- NYS Association of School Psychologists
- NYS Association for Superintendents of School Buildings and Grounds
- NYS Center for School Safety
- NYS Council of School Superintendents
- NYS Department of Criminal Justice Services
- NYS Middle School Association
- NYS Office of Mental Health
- NYS Office of Temporary Disability and Assistance
- NYS Parent-Teacher Association
- NYS Police
- NYS School Boards Association
- NYS United Teachers
- Pride Center of the Capital Region
- School Administrators Association of New York State
- Shenendehowa Central School District
- Sikh Coalition
- Syracuse University
- Youth Policy Institute

Articles briefing schools on the Dignity Act have appeared in the February 18, 2011 and May 23, 2011 editions of the Office of P-12 *News and Notes*.

B. In preparation for the July 1, 2012 implementation date, and in accordance with the provisions of the law, including input from the Task Force, staff are in the process of developing proposed amendments to the following:

- 8 NYCRR 100.2(c) - Instruction in Certain Subjects
The underlying premise of the Dignity Act is that all students must be educated in an environment free of harassment, discrimination, and bullying. This includes promoting a positive school climate through, including but not limited to, instruction in civility, citizenship and character that teaches tolerance, respect, and dignity for others, including an awareness and sensitivity to different races, weights, national origins, ethnic groups, religions and religious practices, mental and physical abilities, sexual orientations, genders, and sexes.
- 8 NYCRR 100.2(l) – Codes of Conduct
All school districts and boards of cooperative educational services (BOCES) are required to adopt a Code of Conduct. A Code of Conduct governs the conduct of students, teachers, other school personnel, and visitors by establishing behavioral expectations, and consequences for violating these expectations. By reflecting key provisions of the Dignity Act in the Code of

Conduct, the school community's overall awareness and understanding of the Code of Conduct will be enhanced, which is vital to promoting a positive school climate. The Dignity Act strengthens the behavioral expectations and consequences associated with repeated acts which substantially disrupt the educational process.

- 8 NYCRR 100.2(gg) – Uniform Violent or Disruptive Reporting System
The Uniform Violent or Disruptive Reporting System is used to collect data on a wide range of violent and disruptive incidents which occur in schools. This data is used to determine a school violence index (SVI), which ultimately determines whether a school is designated as “persistently dangerous.” The Dignity Act establishes reporting requirements for the Commissioner and stipulates that this system may be used to satisfy those requirements, which include reporting incidents of discrimination or harassment and the specific nature of such incidents.

- C. The key to the implementation of the Dignity Act will be communication and public outreach to students, staff, persons in parental relation, and others. To ensure that age appropriate, pertinent, and comprehensive information and guidance are disseminated to these groups, a Dignity Act outreach plan has been developed. This plan includes, but is not limited to, the development of a Dignity Act web site, guidance documents, and model policies; presentations on the Dignity Act at the statewide conferences of groups represented on the Task Force; and periodic articles in the Office of P-12 *News and Notes*.

Recommendation

It is recommended that the Board of Regents direct staff, in collaboration with the Dignity Act Task Force, and other stakeholders, to continue its work to implement the provisions of the Dignity Act, including efforts to recommend amendments to Commissioner's regulations related to the provisions of the Dignity Act.