



Dignity for All Students Act (DASA) Training

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Review of District Requirements

Section 13 of the Education Law requires that school districts:

- ✓ Revise codes of conduct to include policies intended to create a school environment free from harassment, bullying and discrimination.
- ✓ Provide **all school employees, students and parents** with a written or electronic copy of the Code of Conduct or a "*plain-language summary*" each year.
- ✓ Adopt guidelines to be used in school training programs to raise awareness and sensitivity of school employees to these issues and to enable them to prevent and respond appropriately. Ed. Law 13(1)(2)(a)

Review of District Requirements - continued

- ✓ Designate at least one staff member in each school to handle harassment/bullying complaints of students regarding race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex (Dignity Act Coordinator).
- ✓ Develop guidelines related to the development of nondiscriminatory instructional and counseling methods.
- ✓ District's implementation policies must be posted on the district's website.
- ✓ Section 12(2) of the Education Law will require the Code of Conduct, commencing with the 2013-14 school year, to contain an *age-appropriate version of the anti-discrimination policy* set forth in the law.

Review of District Requirements - continued

- ✓ Building principals will be required to report incidents of harassment, bullying and discrimination to SED on a yearly basis.
- ✓ Building principals will report to local law enforcement agencies conduct constituting a crime under DASA law and policy. (13[i])
- ✓ Districts are required to establish policies and procedures to address cyberbullying, harassment, bullying and discrimination that do the following:
 - identify the principal, superintendent, or their designee, charged with receiving reports of such acts;
 - allow parents and students to make a report.

Review of District Requirements - continued

- ✓ Establishes a mandatory reporting duty by “*employees who witness harassment, bullying or discrimination*” to promptly orally notify the building principal, the superintendent or one of their designees of alleged policy violations no later than one (1) school day after witnessing or receiving a report of such conduct.
- ✓ After making the oral report, the school employee must submit a written report within two (2) school days.
- ✓ Investigatory Rigor: The principal or superintendent (or one of their designees) must lead or oversee a prompt, thorough investigation of all reports to conclusion.
- ✓ Remediation in Founded Cases: Must be timely actions that are *reasonably calculated to end the harassment, bullying or discrimination*. Such action must be measured to eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence and *insure the safety of the students(s)* who was or were targeted.

Review of District Requirements - continued

- ✓ The law requires training that addresses social patterns of harassment, bullying and discrimination, as defined in Section 11 of the Education Law for each of the classifications of discrimination. (Section 13(5) Education Law)

- ✓ Remediation efforts are specifically required to be consistent with the provisions of Section 13(4) of the Education Law, that include:
 - measured, balanced and age-appropriate responses:
 - A progressive model that makes appropriate use of intervention, discipline and education;
 - Vary the method of remediation to fit the nature of the behavior, the developmental age of the student, his or her history of problem behaviors; and
 - Have the remediation consistent with the provisions of the school district's Code of Conduct. (Section 13(4) Education Law)

Instruction in Civility, Citizenship and Character Education

- ✓ The instruction currently required by Education Law §801-a will now need to include instruction on “tolerance, respect for others” and “Dignity”, including awareness and sensitivity to discrimination and/or harassment and civility in relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders and sexes.

“Harassment” and “Bullying” Under DASA

- The creation of a hostile environment by:
 - conduct
 - threats (verbal and non-verbal)
 - intimidation (verbal and non-verbal) or
 - abuse (verbal and non-verbal)
 - including cyberbullying

“Harassment” and “Bullying” Under DASA

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 that:

- Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- **Occurs off school property** and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

“Discrimination” Under DASA

Discrimination means discrimination against any student by a **student or students and/or an employee or employees** on school property or at a school function including, but not limited to discrimination based on a person’s **actual or perceived**:

- Race or Color
- National Origin or Ethnic Group
- Weight
- Religion
- Religious Practice
- Disability
- Sexual Orientation
- Gender or Sex (including gender identity and expression)

“Cyberbullying” Under the Dignity Act

- **“Cyberbullying”** is defined as any harassment, bullying, or discrimination where such occurs through any form of electronic communication.
- May occur in many forms (e.g., cyberstalking, masquerading, phishing, flaming, harassment, denigration, etc.)

“School Property” & “School Function”

- **“School property”** means any building, structure, athletic playing field, playground, parking lot, school land or school bus.
- **“School function”** means a school-sponsored extra-curricular event or activity.

Immunity from Civil Liability

- Any person with **reasonable** cause to suspect a student has been subjected to discrimination or harassment by an employee or student on school grounds or at a school function and who in good faith reports such incident or participates in any formal or informal proceeding shall have **immunity from civil liability**.

Potential for Liability

- School districts may violate these civil rights statutes when peer harassment based on race, color, national origin, sex or disability creates a hostile environment and is either encouraged, tolerated, not adequately addressed or ignored by school employees.
- Conduct creates a hostile environment when it is so sufficiently severe, pervasive or persistent that it interferes with a student's ability to participate in or benefit from the services, activities or opportunities offered by a school.

Actual Knowledge of Conduct

True or False: Employees must have “actual knowledge” of the bullying.

False

➤ Office of Civil Rights has opined that a school is sufficiently placed on notice of harassing behavior where the harassment occurs in plain sight, **is widespread or well-known to students and staff**, occurs in the hallways, during academic or physical education classes, occurs during extracurricular activities, at recess, on a school bus or through graffiti in public areas (knew or should have known).

What does it all mean?

- <http://www.nydailynews.com/news/national/incredible-video-boy-cerebral-palsy-runs-race-dozens-classmates-jog-behind-cheer-article-1.1087377>

Who is responsible to eliminate bullying in the district?

- Not just Dignity Act Coordinators.
- Every single staff member in the district:
 - Teachers
 - Support Staff
 - Administrative Staff
- Students
- CSE also has responsibility for addressing bullying claims.

What needs to be done?

- Train all staff on reporting obligations.
- Develop, publicize and enforce effective and legally compliant policies, including the District's Code of Conduct.
- "Own" off-campus misconduct, including cyberbullying, when it constitutes:
 - Off campus criminal misconduct (including aggravated harassment); and
 - Off campus misconduct that reasonably could have a spill-over effect on the campus.

What needs to be done?

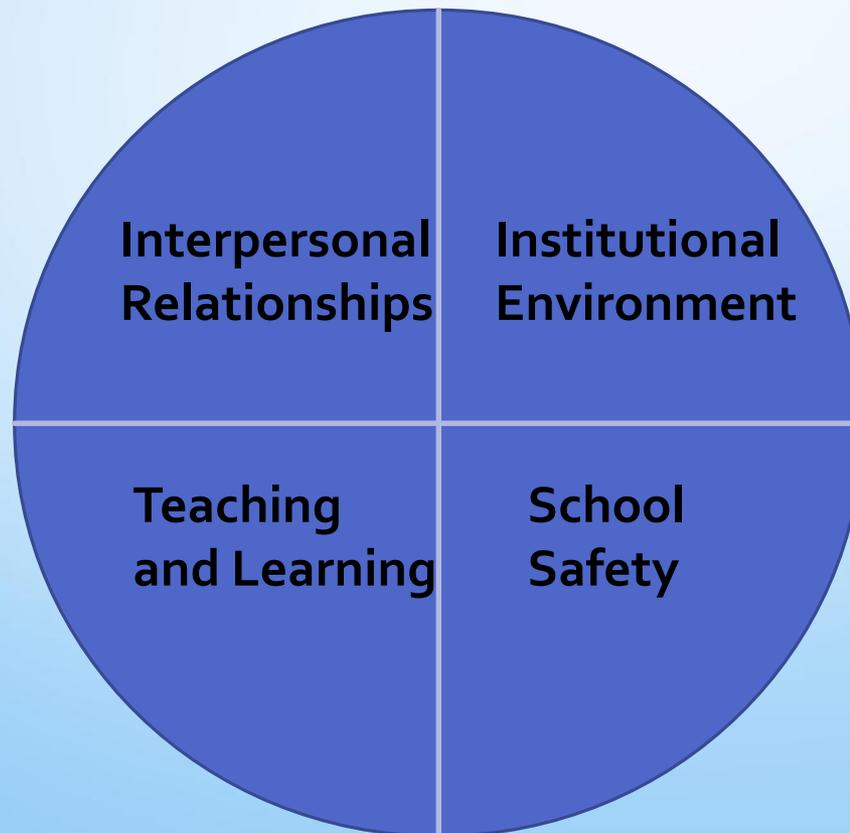
- Train administrators and teachers on alternatives to discipline.
- Train Dignity Act Coordinators and administrative staff on requirements of conducting **prompt and thorough investigations**, including record-keeping requirements.
- Contact with local law enforcement authorities when appropriate.
- Consider your response in terms of **changing the climate in the building**, as opposed to responding to the specific acts of misconduct in an ad hoc basis.
- Communicate with parents.

Impact of the Dignity Act

- **Districts are now required** to maintain records that will establish their actual knowledge of the harassment or bullying and which memorializes their response to each incident.
- **Districts are now required** to take a series of objective steps to address the harassment or bullying. The failure to appropriately take such steps may suggest deliberate indifference or at least call into question the effectiveness of their response.

School Climate

Researchers and practitioners agree that school climate is a broad concept and should at least include several aspects:



Climate Improvement Strategies

- Emphasis on students “taking ownership” of school
- Creating better school community
- Collective responsibility for school cleanliness and safety
- Social-emotional safety through social-emotional learning programs
- Stronger security measures and multi-tiered disciplinary policies
- Professional development
- Policies to improve teacher morale and collaboration
- Improve community partnerships with school

School Experiences Which Contribute to a Healthy School Climate and Academic Achievement



Protection

- Connection
- Safety
- Positive Relationships With Adults and Peers
- Caring Interactions
- Academic Challenges
- Academic Support
- Academic Engagement
- Positive Role Modeling
- Social Emotional Learning
- Positive Behavioral Supports
- Access to Needed Services and Supports

Illustrative Standard of Excellence for a Safe and Respectful School

- Students feel physically safe in their classes, in the hallways and bathrooms, and on school property.
- They feel emotionally safe because students treat each other with respect, get along well together, and look out for each other.

Warning Signs: Victim of Bullying

- Unexplainable injuries
- Lost or destroyed clothing, books, electronics, or jewelry
- Frequent headaches or stomach aches, feeling sick or faking illness
- Changes in eating habits, like suddenly skipping meals or binge eating. Kids may come home from school hungry because they did not eat lunch.
- Difficulty sleeping or frequent nightmares
- Declining grades, loss of interest in schoolwork, or not wanting to go to school
- Sudden loss of friends or avoidance of social situations
- Feelings of helplessness or decreased self-esteem
- Self-destructive behaviors, such as running away from home, harming themselves, or talking about suicide

Signs of a Bully

- Gets into physical or verbal fights
- Has friends who bully others
- Is increasingly aggressive
- Gets sent to the principal's office or to detention frequently
- Has unexplained extra money or new belongings
- Blames others for their problems
- Does not accept responsibility for his/her actions
- Is competitive and worries about his/her reputation or popularity

Resources

- <http://www.stopbullying.gov/index.html>
- http://www.projectwisdom.com/ers/DignityAct_NY.asp
- http://www.cscsd.org/images/stories/District/Dignity_Act/StudentActionPlan.pdf
- http://www.nyclu.org/files/OnePager_DASA.pdf
- http://www.p12.nysed.gov/dignityact/documents/DignityActLessonPlanTemplate_1.pdf
- <http://www.doe.mass.edu/bullying/>
- <http://www.cde.ca.gov/ls/ss/se/bullyres.asp>
- <http://www.nonamecallingweek.org/cgi-bin/iowa/home.html>
- <http://www.glsen.org/>
- <http://www.thinkb4youspeak.com/>