



## Dignity Act Coordinators Training



Southern Tier Advisory Group



# Dignity for All Students Act of 2010



## Intent

- Amends Education Law to put in place **procedures for the creation of school environments free of discrimination and harassment.**
- Effective **July 1, 2012.**



# Dignity for All Students Act of 2010

## Definition



- **Harassment:** 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 wellbeing.** It also includes conduct, verbal threats, intimidation or abuse that reasonably cause or would reasonably be expected to **cause a student to fear for his or her physical safety.**



## Dignity for All Students Act of 2010

### Prohibitions



On school property and at school functions, the law prohibits:

- **Student Harassment** extends to cyberbullying: verbal or written threats through an internet service such as e-mail, chat room, discussion group, instant messaging, or social networking sites on or off school property.
- **Student Discrimination** by school employees or students based on a person's actual **or perceived** race, color, **weight, national origin**, ethnic group, religion, **religious practice**, disability, **sexual orientation**, gender, or sex.



## Dignity for All Students Act of 2010

### Reporting



#### Discrimination or Harassment

- Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment, who acts reasonably and in good faith in reporting such information or initiates informal or formal proceedings, has immunity from any civil liability that may arise. No school district or employee may take, request or cause retaliatory action against a person who, acting reasonably and in good faith makes a report or initiates informal or formal proceedings.



# Dignity for All Students Act of 2010



## Physical Areas Covered

Applies to behavior on/in/during:

- School property (including athletic fields, playgrounds and parking lots)
- School buildings
- School bus/vehicle
- School-sponsored events or activities



## Regulatory Changes



### Regulatory Amendments

- **Instruction In Civility, Citizenship and Character Education** (8 NYCRR100.2 (c))
  - Related to courses of instruction on “tolerance”, “respect for others” and “dignity” and shall include awareness & sensitivity to discrimination or harassment and civility
- **Code of Conduct** (8 NYCRR 100.2(I))
  - Proposed additions of DASA language, distribution and posting; requirement of age appropriate plain language version, addition of bill of rights and responsibilities of students.
- **Dignity Act Professional Development** (8NYCRR 100.2 (jj))
  - Raise awareness through employee training



## OCR Dear Colleague Letter

- Under this new guidance, schools must do the following:
  1. Recognize when harassment or bullying is based on a student's disability and consult with the district's 504/ADA coordinator.
  2. Adopt a “comprehensive approach to eliminating the hostile environment” for the victim by disciplining the bully, training school staff on recognizing and responding to bullying, and monitoring the situation so that the bullying does not recur.





**Title VI of the Civil Rights Act of 1964**

Prohibits discrimination on the basis of race, color or national origin.

**Title IX of the Educational Amendments of 1972**

Prohibits discrimination on the basis of sex, including sexual harassment and stereotyping.

**Section 504 of the Rehabilitation Act of 1973 & Title II of the Americans with Disabilities Act of 1990**

Prohibits discrimination on the basis of disability



## Defining Disability “Harassment”

“Disability harassment . . . is intimidation or abusive behavior toward a student based on disability that creates a hostile environment . . .”

*Excerpt from “Dear Colleague” letter from U.S. Department of Education (2000)*





## Defining Disability “Harassment”

- **Section 504 of the Rehabilitation Act provides protection from discrimination and harassment of special education students.**
  - Federal law prohibiting discrimination and harassment
  - If alleged under Section 504, the federal Office for Civil Rights (OCR) will conduct an investigation.
- The U.S. Department of Education issued a letter on July 25, 2000 to school personnel regarding disability harassment.
- **Applicable Federal Laws**
  - Section 504
  - Americans with Disabilities Act
  - Individual with Disabilities Education Act





## Disability Harassment

- Should be treated in the same context as sexual harassment
- Examples Disability Harassment :
  - Students teasing a student with dyslexia, calling him dumb and retarded
  - Students placing objects and barriers in the path of classmates with physical impairments
  - Students with disabilities denied access to lunch, field trips, etc. because of absences related to disability

*“Dear Colleague” letter from U.S. Department of Education (2000)*



## Common Views about Bullying



- “Boys will be boys”
- “Girls don’t bully”
- “Words will never hurt you”
- “It is a natural part of childhood”
- “Some people deserve to be bullied”
- “Bullying will make kids tougher”
- “It was only teasing”

*Adapted “The Bully-Free Classroom” Beane, Allan L (1999)*



## What Is Bullying?

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“Bullying is when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself or herself.”

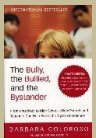


“Bullying among children is commonly defined as intentional, repeated, hurtful acts, words or other behavior, such as name-calling, threatening and/or shunning committed by one or more children against another.”

*U.S. Department of Education Bullying Prevention Manual*

“A conscious, willful, deliberate activity intended to harm, to induce fear through the threat of further aggression, and to create terror in the target.”

*Barbara Coloroso*





## Three Key Components of Bullying Behavior



1. Involves an aggressive behavior
  2. Typically involves a pattern of behavior repeated over time
  3. Involves an imbalance of power or strength
- A single incident, if sufficiently severe, may create a hostile environment.

-US Department of Education



## Bullying: Direct vs. Indirect

### DIRECT

- Hitting, kicking, shoving, spitting
- Taunting, name-calling, using degrading comments
- Threatening or obscene gestures

### INDIRECT

- Getting another person to bully someone
- Spreading rumors
- Causing another person to be socially isolated
- Cyber bullying

Always Investigate AND Communicate





## Bullying and Gender...

- **Boys** are more likely than **girls** to bully others.



- **Verbal bullying** is the most frequent form of bullying experienced by both boys and girls. **Boys** are more likely to be **physically bullied** by their peers; girls are more likely to report being targets of **rumor-spreading and sexual comments**. **Girls** are more likely to bully each other using **social exclusion**.

Source: [stopbullying.gov](http://stopbullying.gov)

- **Girls** report being bullied by **both boys and girls**, but **boys** report that they are most often bullied only by other **boys**.



## Characteristics of Bullied Students

### “Passive”

- Cautious, sensitive, quiet & withdrawn
- Anxious, insecure, have low self-esteem
- Physically weaker than peers (boys); Physically mature earlier (girls)
- Few friends; find it easier to associate with adults

### “Provocative”

- Share characteristics with bullied children
- Share characteristics with students who are bullied
- Less effective in bullying than other children who bully
- Behave in ways that cause irritation and attract negative attention



## Students at Higher Risk of Being Bullied

- Students with disabilities, special needs  
(Disability Harassment)
- Obese students  
(Protected Class)
- Students who are gay, bisexual, transgender, or who are questioning their identities students  
(Protected Class)
- Students PERCEIVED to be gay or bisexual  
(NOTE: DASA Language)



## Children Who Bully

- “Bullies can come in all shapes, sizes, races, and gender.”
- The most common characteristic of children who bully — *they seek to demonstrate power.*

Adapted from [www.bullybeware.com](http://www.bullybeware.com)





## Characteristics of Students who Bully

- Have positive attitudes toward violence
- Have average to high self-esteem
- Are impulsive and have quick tempers
- Display little empathy for targets of bullying
- Are involved in other antisocial or rule-breaking activities
- Physically stronger than peers



## What Motivates Children Who Bully?

- Like to dominate others in a negative way
- Gain satisfaction from inflicting injury and suffering
- Receive “rewards” by bullying others (prestige, attention, possessions)





## Group Mechanism in Bullying

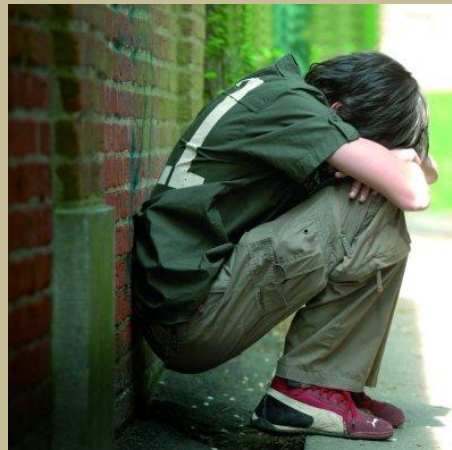
- Social Contagion
- Weakening inhibitions against aggression
- Decreased sense of individual responsibility
- Gradual changes in the view of the bullied student(s)





## Effects of Bullying on School Climate

- Bullying creates a climate of fear and disrespect.
- Bullying interferes with student learning.
- Students may feel insecure and not like school as well.
- Students may perceive a lack of control or caring.



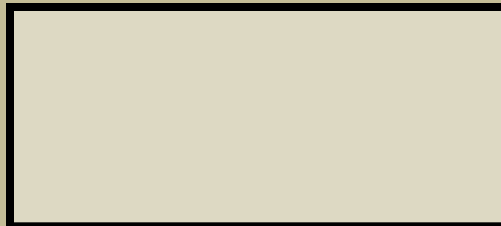




## Adults Who Bully

- DASA specifically prohibits adults harassing/bullying students
- Language included in Code of Conduct which will result in increased student and parent awareness

Turn and Talk: Share an experience of an adult who bullied  
✓ How will you handle these reports?





## Proper Identification

Distinguishing Among...

- Bullying
- Rough-and-Tumble Play
- Real Fighting



Thorough investigations and properly labeling the incidents is important for NYS required reporting reasons.



## School Factors that Contribute to Bullying

- Lack of supervision during breaks
- Students have indifferent or accepting attitudes
- Staff have indifferent or accepting attitudes toward bullying

**ADULT  
SUPERVISION  
REQUIRED**



## Requirement Upon Verification of Harassment, Bullying or Discrimination

Take prompt actions reasonably calculated to end such conduct, create a more positive school climate and culture, prevent recurrence of the behavior, and insure the safety of the student(s) subjected to such conduct.





## School's Obligation Regarding Harassment Based on Protected Classes

- Immediate and appropriate action to investigate and determine what happened.
- Inquiry must be prompt, thorough, and impartial.
- Interview targeted students, offending students, and witnesses, and maintain written documentation of investigation.





## School's Obligation Regarding Harassment Based on Protected Classes

- Communicate with targeted students regarding steps taken to end harassment.
- Check in with targeted students to ensure harassment has ceased.
- When investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:
  - End the harassment
  - Prevent harassment from recurring, and
  - Prevent retaliation against the targeted student(s) or complainant(s)





## What Schools MUST Do To Resolve a Harassment Complaint

- Schools must be an active participant in responding to harassment and should take reasonable steps when crafting remedies.
- Develop, revise, and publicize:
  - ✓ Policy prohibiting harassment and discrimination.
  - ✓ Grievance procedure for students to file harassment complaints.
  - ✓ Contact information for Title IX/Section 504/Title VI/Dignity Act Coordinators.
- Implement training for staff and administration on identifying and addressing harassment.





## What Schools MUST Do To Resolve a Harassment Complaint

- Provide monitors or additional adult supervision in areas where harassment occurs.
- Determine consequences and services for harassers.
- Limit interactions between harassers.
- Provide harassed student an additional opportunity to obtain a benefit or service that was denied (i.e., retaking a test/class).

