



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 and the Integration of the Violent and Disruptive Incident Reporting System

**DATE:** January 3, 2011

**AUTHORIZATION(S):**

## SUMMARY

### Issue for Discussion

Planning for 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 January 2011.

### Procedural History

The Dignity Act for All Students Act (Chapter 482 of the Laws of 2010) was signed into law by Governor David A. Paterson on September 13, 2010.

### Background

The goal of the Dignity Act for All Students Act (Dignity Act) is to provide public school students with a safe and supportive environment free from discrimination, intimidation, taunting, and harassment (e.g., bullying) on school property, on a school bus, or at a school function. The Dignity Act underscores the importance of a comprehensive State and local approach to creating safe, supportive, and engaging learning spaces. Moreover, the law was enacted in response to the large number of

students who skip school and engage in high-risk behaviors, such as alcohol use and even suicide due to an atmosphere of real or perceived harassment and discrimination.

A 2008 literature review noted that bullying victimization is estimated to affect 15-20 percent of the U.S. student population.<sup>1</sup> The negative effects of these acts include truancy, drop-out, disengagement, and depression. Independent survey data also demonstrate the prevalence of bias-based harassment in New York State schools. A survey commissioned by the Gay, Lesbian, and Straight Education Network (GLSEN) found that more than one-third (39%) of New York State students reported that bullying, name calling, and harassment is a serious problem at school.<sup>2</sup> The most commonly reported perception for harassment was a student's physical appearance. Sixty-six percent of students reported that people at school were harassed at least "sometimes" because of their looks or body size, with thirty-eight percent (38%) reporting this happened "very often." Fifty-seven percent (57%) of respondents reported that students were bullied or harassed "sometimes" because of the way they expressed their gender, and about one-quarter (23%) said these behaviors occurred "often" or "very often." More than fifty-two percent (52%) reported that students were harassed because they were or were perceived to be lesbian, gay, or bisexual, even though only five percent (5%) identified as being so. Twenty-four (24%) said these behaviors occurred often or very often.

Bullying and Individual Factors (see Attachment A for additional guidance provided by the Department to the field)

The provisions of the Dignity Act make explicit in public 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.

To comply with the provisions of the Dignity Act and ensure full implementation by July 1, 2012, specific regulatory, policy, and procedural requirements must be developed, promulgated, and enacted by the Department and school districts. These include the following:

To implement the Dignity for All Students Act, the Commissioner shall:

- Promulgate regulations to assist school districts in developing measured, balanced, and age-appropriate responses to harassment and discrimination with remedies focused on intervention and education.
- Provide direction for school districts including: the development of model policies and, to the extent possible, direct services, to prevent discrimination and harassment (including bullying) and to create safe and supportive conditions for learning.

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<sup>1</sup> Meyer-Adams, N. & Conner, B.T. (2008). School violence: Bullying behavior and the Psychosocial School Environment in Middle Schools. *Children & Schools*, 30 (4).

<sup>2</sup> From Teasing to Torment: A Report on School Climate in New York. Gay, Lesbian, and Straight Education Network (GLSEN), 2008.

- Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementation.<sup>3</sup>
- Create a procedure under which material incidents of discrimination and harassment are reported to the Department on an annual basis. (These reporting requirements may be met through a modification of the existing uniform violent incident reporting system.)

All public school districts shall:

- Adopt an age-appropriate version of this policy, written in plain-language, to be included in the “code of conduct” adopted by boards of education.
- Create guidelines that shall include, but not be limited to, school training programs to raise the awareness of all employees and enable them to prevent and respond to discrimination or harassment (including bullying) on school property, at a school function, or on a school bus.
- Identify at least one staff-person to 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, and sex.
- Promote a positive, safe, and supportive school climate by incorporating instruction in “tolerance”; “respect for others”; and “dignity”; including awareness and sensitivity to individuals of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical disabilities, sexual orientations, genders, and sexes; into civility, citizenship, and character education programs.

Implementation Preparations

The Department has met several times with the New York State Dignity Coalition (the Coalition) to discuss the implementation of the Dignity Act. The Coalition comprises several national, State, and local organizations, many of which were involved in the creation of the Dignity Act and who have a stake in ensuring its success. Based on these meetings and discussions, staff recommend that a Task Force comprised of up to 15 representatives including NYSED staff and other major stakeholder groups in the education community be established. Further, staff recommends the establishment of four Advisory Work Groups to conduct research for and make recommendations to the members of the larger Task Force. The recommended Advisory Work Groups would include interested parties from the advocacy, direct services, and teaching/learning communities; executive agencies; as well as groups representing parents, teachers, administrators, and/or staff. The latter group is included given because a school's climate is inevitably linked with the environment outside the school walls. Therefore, engaging outside partners in the implementation of the Dignity Act will be critical in developing holistic strategies and recommendations. The four recommended Advisory Work Groups are as follows:

1. Local Policy and Implementation
2. State Policy and Implementation

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<sup>3</sup> The Dignity for All Students Act legislation did not include an appropriation to support a grant program as required by §14.2 of the Dignity Act.

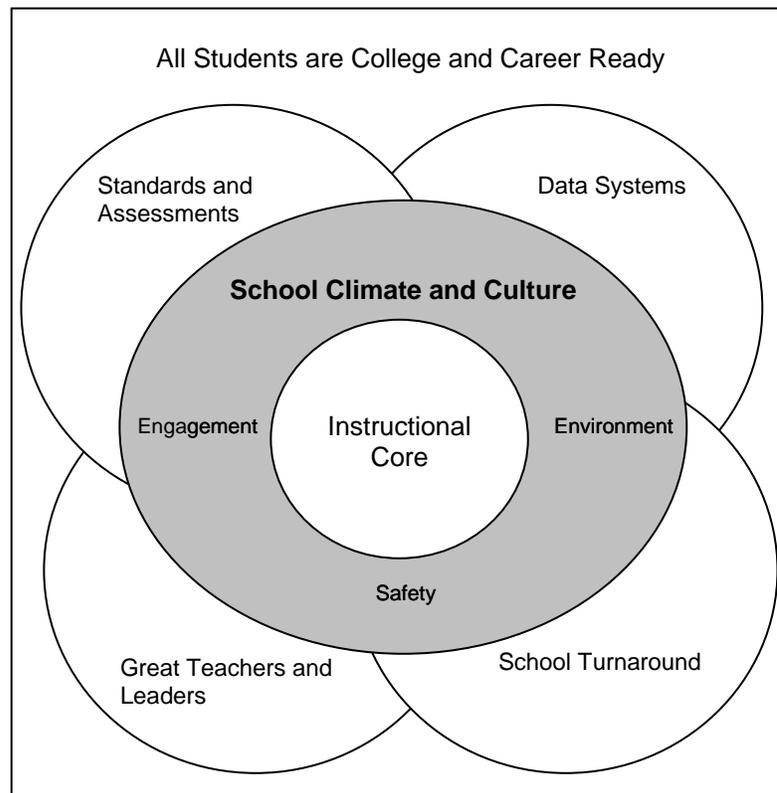
- 3. Professional Development
- 4. Curriculum and Instructional Design

Finally, the Department is working collaboratively with the Coalition to create a press release that appropriately communicates the broad intentions of the Dignity Act to the public. Additionally, a joint-communication is being developed from the representative groups to the Governor. Once the structures and functions of the Task Force and Advisory Work Groups have been finalized, stakeholders will solidify a timeline and begin work for full implementation by July 1, 2012.

Dignity in the Context of School Climate and Culture

Meeting the provisions of the Dignity Act will require changes to Commissioner’s regulations, the development of guidance for school districts, and the re-design and development of tailored technical assistance and professional development in relation to school safety, climate, and culture.

To ensure a coordinated and integrated approach to implementing the Dignity Act, it is important that these changes are carefully planned and coordinated within the larger context of the Regents reform agenda of ensuring that students are college and career ready (Figure1).



Re-positioning / Re-evaluating School Safety Policies and Practices

Planning the implementation of the Dignity Act should be aligned with current Department efforts to re-evaluate and revise its regulations, policies, and practices for school safety and violent and disruptive incident reporting (VADIR). The current school

safety system addresses the question of “*how dangerous schools are*” as measured by violent incidents reported. The VADIR reporting system provides a process by which schools prove that they are not dangerous by reporting the absence of violent incidents. Conversely, schools are identified as persistently dangerous by reporting the presence of a threshold number of violent incidents. Such a system may provide a disincentive toward accurate reporting, and may not be feasible to accurately monitor. The implementation of the Dignity Act compels the Department to ask broader and bolder questions about how safe and supportive school cultures and climates are, followed by questions of what data systems and program supports can create measured improvements in these areas.

Promoting a positive and supportive school climate and culture cannot rely solely on incident data alone. While VADIR data are essential to pattern detection, decision making, and program efforts toward making schools safe places, these data are often isolated from related factors that can provide a more complete picture of how students experience their learning environments and how they function within them. Compliance with the Dignity Act will require an examination of how to situate the collection and reporting of violent incidents within a system that is more robust and methodologically rigorous than our current system. A modified measurement system would include school climate surveys completed by students, parents, and teachers. To comply with the Dignity Act, the system would place greater emphasis on bullying and harassment behaviors that are less acutely serious than other violent offenses yet may happen more frequently and may have a greater cumulative effect on learning conditions and personal well-being.

The repositioning of VADIR in a school climate and culture context does not hinder NYSED’s legislative or regulatory responsibilities, nor the methodological rigor or accuracy of the VADIR data currently collected and reported. Rather, it situates the data in a more integrated and positive context, and will provide several other data points for triangulation. Under the current system monitoring the validity of collected data is limited to comparing actual violent incidents with those reported. Surveying school climate on the other hand, would present evidence of student, parent, and teacher perceptions of safety and support and self-reports of risk behaviors. These data could be examined along side reported violent incidents and provide more trustworthy evidence of climate of the school ranging from dangerous to positive and engaging. The theory of action associated with this change is that removing the deficit context in which this data has been collected may actually *enhance* the reporting of the data and better support its diagnostic use.

### Recommendation

It is recommended that the Board of Regents direct staff, in collaboration with the Coalition Task Force, advisory work groups, and other stakeholders, to develop revisions to Commissioner’s regulations for school safety and violent and disruptive incident reporting (VADIR) to reflect the provisions of the Dignity Act and promote a positive school climate.