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The Dignity for All Students Act: What Does It Mean for New York State Students?

by Mary Grenz Jalloh and Elizabeth Mastro

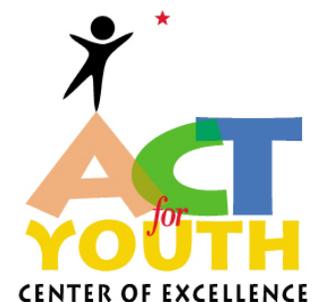
You may have heard that a New York State law intended to protect students from acts of discrimination and harassment in school will be in effect July 1, 2012. In fact, you may have heard this bill, which was signed into law September 13, 2010, referred to as “the anti-bullying law.” This is not accurate – the intent of the Dignity for All Students Act (Dignity Act) is to provide a learning environment free of discrimination or harassment. Bullying behavior may be the manifestation of the larger problems of discrimination and harassment that the Act seeks to prevent, but Dignity is not just an anti-bullying law.



Students’ ability to meet high academic standards and learn life skills can be compromised in an environment that is mired with incidents of discrimination and harassment. School climate and culture can have a meaningful impact on academic learning. The Dignity Act offers an opportunity to work to ensure that the school climate is one where students feel safe and supported physically, emotionally, and academically. Those who work with youth in New York State can advance a healthy school environment by helping students understand the new law. This brief outlines the law’s provisions and suggests ways advocates and students can support its implementation.

Why is the Dignity Act necessary?

Considering that there are already federal laws protecting students from certain types of discrimination and harassment, why is a New York State law needed? A review of research in New York found that large numbers of harassed and stigmatized students were skipping school and engaging in high risk behaviors. Instituting the Dignity Act gives schools



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the opportunity to focus on creating positive and engaging school environments by prohibiting harassment and discrimination. The legislation is intended as a protective measure to help ensure that school is a nurturing learning environment for all.

Who is protected under this legislation?

The eleven named protected classes in the law include: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. The law applies whether an individual actually belongs or is perceived by others to be part of a protected class. In addition, the law covers any discriminatory or harassing action taken against a student, even if one of these named classes is not at issue.

How does the Dignity Act define harassment?

Essentially, the Dignity Act defines harassment as:

The **creation of a hostile environment** by:

- conduct
- verbal threats
- intimidation
- abuse

that could be expected to **substantially interfere with:**

- **educational performance, opportunities, or benefits**
- **mental, emotional, or physical well-being**

or could reasonably be expected to:

- **cause a student to fear for his or her physical safety**

For example, but not limited to, intimidation based on:

- a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

(See sidebar for the full definition as specified in the law).

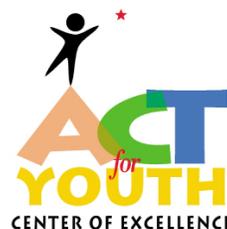
What do schools need to do to implement the Dignity Act?

There are four regulatory areas that guide implementation of the Dignity Act. They include:

1. **Code of conduct.** Boards of education, which currently adopt and provide for the enforcement of a written code of conduct, will amend these to include the language of the Dignity Act. Additionally, approved codes of conduct will be posted on the district's website (unless the district does not maintain a website), and a plain language summary in age-appropriate language will be

Dignity Act: What is Harassment?

As specified in the law, harassment means "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 well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes but is not limited to conduct, verbal threats, intimidation, and abuse 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 to all students. Before the beginning of each school year, parents and guardians of students are to receive a plain language summary of the code of conduct, and a complete code of conduct should be given to each teacher.

2. Instruction in civility, citizenship, and character education. While currently required as part of the state school safety law, this instruction will be expanded to promote civility and increase sensitivity to discrimination and harassment, particularly with respect to the protected classes.

3. School employee training. All staff in the school district must be provided with training to promote a positive school environment that is free from discrimination and harassment and to discourage and respond to incidents when they occur on school property or at a school function. Importantly, each school is also to name at least one staff member to be thoroughly trained to handle human relations in the areas of the named protected classes. Contact information for this point person, the Dignity Act Coordinator, is to be shared with students, staff, and parents or guardians.

4. Reporting. Material incidents in violation of the Dignity Act will be reported and included in an annual report to the New York State Education Department.



What do students and community advocates need to know about the Dignity Act?

For the Dignity Act to succeed, it is important that students and their advocates understand what to expect, particularly the resources that will become available as the Act is implemented. There may also be ways for students and community groups to become involved in strengthening the implementation of Dignity in their districts.

Code of conduct. Students and their advocates should become knowledgeable about the school district’s code of conduct, the document that drives activities related to Dignity. The code must outline training plans, as well as response and intervention procedures for handling incidents of harassment or discrimination. In 2012-13, school districts may be in the process of developing or updating their codes of conduct to address the requirements of the Dignity Act. Development of the code should be done by a committee of stakeholders – and students, along with their community advocates, are key stakeholders in this effort. Young people and those who work with youth may wish to inquire with their local school boards about opportunities to become involved.

Dignity Act Coordinator. Each school must designate a staff member who will be trained in handling issues of discrimination and harassment, and who will also be the “go-to” person for students. Adults can support



students facing these issues by encouraging them to reach out to their school's Dignity Act Coordinator. The coordinator's name and contact information is to be listed in the Code and posted on the school's website.

Training. Dignity includes a strong training component. Community groups may be able to offer specific expertise related to the 11 named classes and may be able to provide that training for their school or districts.

The Dignity for All Students Act offers us an opportunity to be part of our school communities and to help support our young people, moving schools to a more positive school climate in which learning can happen. ★

Dignity Act Information and Resources

New York State Education Department
<http://www.p12.nysed.gov/dignityact/>
518-486-6090

New York State Center for School Safety
www.nyscenterforschoolsafety.org
845-255-8989

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