

Bullying, harassment and discrimination in NYS public schools

A guide for NYS school district faculty and staff on the Dignity for All Student Act and dealing with bullying, harassment and discrimination in school



Signed into law in Sept. 2010, the Dignity for All Students Act – or DASA – was established to promote a safe and supportive learning environment in all public schools, free from harassment and discrimination from other students and adults.

DASA establishes a number of standards for schools, including district policies and procedures and identifying and reporting incidents of bullying, harassment and discrimination in school.

"No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex." (*State Education Laws of 2010, Effective: July 1, 2012*)

How do I know if it's bullying or harassment?

What is harassment? Harassment is the creation of a hostile environment 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.

What is bullying? Bullying is an unwanted, aggressive intentional form of harassment that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes such actions as making threats, spreading rumors, attacking someone physically or verbally and excluding someone from a group on purpose.

What is cyberbullying? Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or e-mails, rumors sent by e-mail or posted on social networking sites and embarrassing pictures, videos, websites or fake profiles.

What is discrimination? Discrimination, as defined by the New York State Education Department (NYSED), is the "denial of equal treatment, admission and/or access to programs, facilities and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex."

Examples of bullying include, but are not limited to:

- **Verbal:** Name-calling, teasing, inappropriate sexual comments, taunting and threatening to cause harm.
- **Social:** Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone and embarrassing someone in public.
- **Physical:** Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's property and making mean or rude hand gestures. (Source: U.S. Department of Education).

What do I do if I witness bullying or an incident is reported to me?

- **School employees who witness harassment**, bullying or discrimination or receive an oral or written report of the aforementioned behavior **must ORALLY report the suspected incident NO LATER than ONE school day after witnessing or receiving report.**
- A **WRITTEN** report must be submitted no later than **TWO** school days after making an oral report. (Form available in your main office and/or on your district website.)
- The principal, superintendent or their designee **is responsible to lead or supervise a thorough investigation of all reports** of harassment, bullying or discrimination and to **ensure that such investigations are completed promptly** after receipt of any written report.
- The principal is required to make a **regular annual report** on data and trends related to harassment, bullying and discrimination to the superintendent.
- The principal, superintendent or their designee is required to **promptly notify** the appropriate local **law enforcement agency** when such individual believes that harassment, bullying or discrimination constitutes criminal conduct.

What will be included in a report?

- **WHAT: The type(s) of bias involved** – including, but not limited to, the 11 protected areas (race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex);
- **WHO:** Whether incident resulted from **student** and/or **employee** conduct;
- **HOW:** Whether incident involved **physical conduct and/or threats, intimidation or abuse;**
- **WHERE: Location** where incident occurred (on school property and/or at school function or off school property, if applicable).

Does the behavior or situation...

- ...substantially interfere with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being?
- ...reasonably cause a student to fear for his or her physical safety?
- ...cause or would be expected to cause physical injury or emotional harm?
- ...occur off of school property and create a risk of substantial disruption within the school environment?

...IF YES, IT IS BULLYING OR HARASSMENT AND MUST BE REPORTED.

REMEMBER: Bullying almost always requires adult intervention.

Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

- **Respond** – stop the bullying or if it occurred prior to your knowledge let the students know you will address it
- **Research** – Don't ask students questions in groups, speak with students individually
- **Record & Report** – Tell your DASA coordinator or principal, fill out the form!
- **Revisit** – Check in with your students, be sure the bullying has stopped and that all students are ok. If you have any concerns, refer to your school's counseling staff.

What doesn't work...

- Telling the targeted student to ignore the bullying.
- Telling the targeted student to work it out.
- Trying to sort out the facts on the spot.
- Forcing bystanders to say publicly what they saw.
- Questioning those involved in front of others.
- Bringing the targeted and bullying kids together.
- Asking for an apology.

For more information about DASA in your school, contact your school's dignity act coordinator.

Web resources:

- NYSED: Dignity Act Resource Guide - A Resource and Promising Practices Guide for School Administrators & Faculty [<http://www.p12.nysed.gov/dignityact/resourceguide.html>]
- www.stopbullying.gov

What can you do to create a more positive, respectful climate in your school? What can you do to make a difference for one child in one situation?

Here are some ideas:

- Foster skills to resolve conflict, such as listening, empathy, critical thinking and self-control.
- Avoid scolding or lecturing, avoid a culture of humiliation.
- Actively involve students in their school culture and climate. Maximize student involvement in deciding how to resolve problems.
- See instances of wrongdoing and conflict as opportunities for learning. Turn negative incidents into constructive ones by building empathy and a sense of community.
- Develop trusting and caring relationships between adults and students.
- Assist students in considering ways to make amends for misbehavior, such as replacing, repairing, cleaning or apologizing.
- Follow up to determine whether a problem was solved or more work needs to be done.
- Encourage reflection.
- Allow flexibility for different students, needs and situations.
- Help supervise as classes change, in the cafeteria, on the playground, at the bus stop – these are the places where most bullying occurs
- Team up with your students to develop classroom rules that stress bullying or harassment is not ok.

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A guide for parents

In July 2010, the Dignity for All Students Act – or DASA – was established to promote a safe and supportive learning environment in all public schools, free from harassment and discrimination from other students and adults.

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Signs that a child is being bullied:

Be aware that not all children who are bullied exhibit warning signs. Signs of bullying include:

- Unexplainable injuries;
- Lost or destroyed clothing, books, electronics or jewelry;
- Frequent headaches or stomachaches, feeling sick or faking illness to avoid school or social situations;
- 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;
- Avoidance of such areas as the playground, cafeteria or restrooms;
- Declining grades, loss of interest in schoolwork or not wanting to go to school;
- Sudden loss of friends or avoidance of social situations;
- Loss of interest in activities formerly enjoyed;

- Feelings of helplessness or decreased self-esteem; and/or
- Self-destructive behaviors, such as running away from home, self-harm or talking about suicide.

Signs that a child is bullying others:

Children may be bullying others if they:

- Get into physical or verbal fights;
- Have friends who bully others;
- Are increasingly aggressive;
- Have no regard for other people's feelings;
- Disrespect authority and/or rules;
- Disrespect the opposite gender and people of different races, ethnicities or religions;
- Get sent to the principal's office or to detention frequently;
- Have unexplained extra money or new belongings;
- Blame others for their problems;
- Lie to get out of trouble;
- Deliberately hurt pets or animals;
- Use anger to get what they want;
- Refuse to accept responsibility for their actions; and/or
- Are competitive and worry about their reputation or popularity.

REMEMBER: Bullying almost always requires adult intervention.

Roles kids play in a bullying situation

Kids who bully: These children engage in bullying behavior toward their peers. There are many factors that may contribute to this behavior. Often, these youth require support to change their behavior and address any other challenges that may be influencing them. Don't hesitate to speak to a counselor at your child's school and ask for help.

Kids who are bullied: Some factors put children at greater risk of being bullied,. If you are worried that your child is being bullied seek help from school administration or counselors right away.

Bystanders – even kids who are not bullies and who are not bullied are impacted by bullying behavior. They witness it happening and they may either encourage it, avoid it or try to discourage it. These children may need support and help to deal with the bullying they observe; your school counselor can help!

Most kids play more than one role in bullying over time.

It is important to note the multiple roles kids play, because those who are both bullied and bully others may be at more risk for negative outcomes, such as depression or suicidal tendencies. It also highlights the need to engage all kids in prevention efforts, not just those who are known to be directly involved.

How do I talk to my child about bullying?

- Talk to your child about what bullying is and make sure he or she understands that it is unacceptable behavior. It is never too early to bring it up; for younger children talk about being mean rather than using the term bullying.
- Keep the lines of communication open with your child – know your child's friends, ask about the school day, listen to any questions or concerns that arise.

- Tell your child to talk to you or a trusted adult at school if he or she is ever bullied – or ever witness an incident of bullying. Tell your child it’s okay to stand up to a bully by saying “STOP” or by simply walking away.
- Model how to treat others with respect and understanding.
- Encourage a child to be involved in activities he/she enjoys. This will make him/her more confident and boost self-esteem.

What do I do if I think my child is being bullied?

- Get as much information as you can from your child – What happened? When? How many times did it happen? Who else was there? How did your child respond? How does your child feel about what happened? Is your child worried it will happen again?
- Listen. Don’t blame.
- Try to identify if it was, in fact, bullying. Don’t call it bullying until you’ve gathered all of the facts.
- If you believe your child is being bullied, contact your child’s teacher or school principal. These individuals are trained in the DASA requirements and can help you and your child.
- DASA requires every school in New York State to have a dignity act coordinator. This is someone who is trained to handle incidents of bullying and harassment in schools and is another important contact for parents. Contact information for this person can be found on your school district’s website or by calling your child’s school.

What do I do if I think my child is a bully?

- Talk to your child about the specific behavior and why it is wrong. Does your child understand that the behavior is unacceptable?
- Calmly tell your child that bullying will not be tolerated.
- Ask your child WHY he or she bullied. Try to understand the reasons and offer solutions.
- Use consequences to teach – not humiliate.
- Call your child’s teacher, principal, social worker, guidance counselor to talk about what happened and strategies for moving forward.
- Continue to talk to your child about positive behavior and how his or her behavior impacts others.

For more information about DASA in your school, contact your school’s Dignity Act Coordinator.

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