

# NEW YORK ENACTS LEGISLATION TO STOP BULLYING IN SCHOOLS: THE DIGNITY FOR ALL STUDENTS ACT

*Labor & Employment Alert*  
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On September 13, 2010, Governor David A. Paterson signed into law the Dignity for All Students Act, which amended the Education Law by adding a new Article 2. The Act, which is effective July 1, 2012, was passed to help eliminate discrimination, harassment, and bullying in public schools. Specifically, it seeks to help children reach their academic potential and ultimately foster “civility in public schools and prevent and prohibit conduct which is inconsistent with a school’s educational mission.”

The Act protects students from harassment by other students and school employees during school hours and at school-sponsored functions or while on school property. It defines harassment as “the creation of a hostile environment by conduct, or by verbal threats, intimidation, or abuse” that has, or has the potential to, “unreasonably and substantially interfere with a student’s educational performance, opportunities, or benefits.” Harassment also includes behavior that interferes with a child’s mental, emotional, or physical well-being, and “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, and intimidation include, but are not limited to, those based on a person’s “actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.” Individuals who report discrimination and harassment in good faith are granted immunity from civil liability that may arise from making the report.

In light of this legislation, boards of education are required to create age-appropriate policies and guidelines that shall include but not be limited to:

- Policies intended to create a school environment that is free from discrimination or harassment
- Guidelines to be used in school training programs to discourage discrimination or harassment and that are designed to raise the awareness and sensitivity of school employees to potential discrimination or harassment, and to enable employees to prevent and respond to discrimination and harassment

## **Attorneys**

Joseph Braccio  
Ryan Everhart  
Peter Godfrey  
Karl Kristoff  
Elizabeth McPhail  
Jeffrey Swiatek

## **Practices & Industries**

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- Guidelines relating to the development of nondiscriminatory instructional and counseling methods and requiring that at least one staff member at every school be thoroughly trained to handle human relations in the area of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex

Moreover, the Commissioner of Education must provide direction, which may include model policies, direct services, and funding related to the prevention of discrimination and harassment. The Commissioner must also promulgate regulations to assist school districts in implementing “measured, balanced, and age-appropriate responses” to violations of this policy. The Commissioner will likewise create a reporting procedure that will take place at least once per year. The reports shall include “material incidents of discrimination and harassment” that occur during school, at school functions, or on school grounds.

**The Bottom Line:** The Dignity for All Students Act was designed to eliminate discrimination, harassment, and bullying in public schools. As a result, school districts are required to design policies to prevent discrimination, harassment, and bullying in compliance with the regulations which will be set forth by the Commissioner.