

DIGNITY FOR ALL STUDENTS ACT SUMMARY

In September 2010, the New York State Legislature enacted the Dignity for All Students Act (“Dignity Act” or “Act”), which took effect on July 1, 2012, to make it the policy of the State to provide all students in New York public schools an environment free of discrimination and harassment. The Act applies to all New York public school districts (“districts”), Boards of Cooperative Educational Services (“BOCES”), and charter schools. This Summit seeks to build upon the foundation provided in the Dignity Act to discuss addressing school discipline policies more broadly in New York public schools. To enrich this discussion, below is a brief overview of the Dignity Act.

THE PURPOSE OF THE DIGNITY ACT

- New York State’s Dignity for All Students Act was established with the broad legislative intent to provide a school environment free of discrimination and harassment.
- The goal of the Act is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against and/or verbally and/or physically harassed.
- The Act provides a response to the large number of harassed and stigmatized students skipping school and engaging in high-risk behaviors, by prohibiting discrimination in public schools and establishing the basis for protective measures such as training and model policies.
- The Act takes a major step in creating more nurturing environments in all New York public schools.

WHAT THE DIGNITY ACT DOES

- The Dignity Act states that no student shall be subjected to harassment or discrimination by employees or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- The Act also focuses on the prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate.
- The Act also requires to schools to collect and report data regarding material incidents of discrimination and harassment.

THE EFFECT OF THE ACT ON NEW YORK EDUCATION LAW

- The Dignity Act amended New York State Education Law by creating a new Article 2 – Dignity for All Students.
- The Act also amended Section 801-a of New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes.
- The Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their respective Codes of Conduct. Specifically, the Act requires that all districts and BOCES include provisions in their Codes of Conduct prohibiting the discrimination and harassment against students by students and/or school employees on school property or at a school function, as well as provisions for responding to acts of discrimination and harassment.

THE ACT'S RELATIONSHIP TO SCHOOL DISCIPLINE POLICIES

- The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students.
- As part of its effort to achieve that goal, the Act requires the development of measure, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education.
- The Act requires that such remedial responses be included in each school's Code of Conduct and that schools place the focus of discipline on discerning and correcting the reasons why the discrimination and harassment occurred.
- The Act provides that remedial responses should be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the problem behavior.