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## **'DIGNITY FOR ALL STUDENTS ACT' AIMS TO PROTECT STUDENTS**

On Sept. 13, 2010, Gov. David Paterson signed into law the Dignity for All Students Act which requires all school districts to revise their codes of conduct and to incorporate specific provisions of the Act no later than July 1, 2012. By mandating a series of proactive and preventive measures, the Act is designed to protect students from harassment and bullying by students or employees on school property and at school functions. The Act defines harassment as:

the creation of a hostile environment by conduct or 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.

By prescribing training, policies and procedures, the new law affords students additional protections against discrimination on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

According to the Act, districts must create policies and guidelines promoting an environment free of discrimination and harassment. Staff training is required to heighten awareness and to foster prevention and appropriate responses by school employees. To cultivate a healthy school environment, districts will need to develop guidelines to promote nondiscriminatory instructional and counseling methods. In addition, the law requires that at least one staff member in every school building 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."

Bullying based on gender, sex, disability or national origin not only violates district codes of conduct and state law, it also creates potential liabilities for damages under federal civil rights statutes, including Title VI (which protects against discrimination on the basis of color, race or national origin), Title IX (which protects against discrimination based on an individual's sex), and §504 of the Rehabilitation Act and the Americans with Disabilities Act (which protects against discrimination based on disability).

In light of the rising number of serious incidents involving harassment, cyber-bullying and peer hazing, the eradication of bullying in schools has become a pressing issue for educators and administrators across the nation. In the wake of New York's statutory response to this challenge, the United States Department of

Education's Office for Civil Rights (OCR) issued a guidance document on Oct. 26, 2010 that provides examples and proposed district responses to incidents of bullying and harassment. We encourage you to review OCR's "Dear Colleague" letter at the following link:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

As you develop and update current policies and procedures to conform with the Act, please do not hesitate to contact us for further guidance or assistance.