

Dignity for All Students Act







Requirements for Schools (Tool for training school employees)

Updated October 2018










The DASA Process

What is DASA	4 – 5
	
District and School Requirements.....	6 – 10
	
Components of DASA Requirements.....	11
	
Definitions of Key Terms.....	12 – 14
	
Reporting To The School.....	15 – 16
	
The School Investigates.....	17
	



The DASA Process (cont'd)

Material Incident Determination.....	18 – 19
	
School Takes Action.....	20 – 21
	
School Reports to District.....	22 – 23
	
District Reports to NYSED and Keeps Records.....	24
	
District Plans for Positive Change.....	25
	
Resources and Contact Information.....	26 – 28



What is DASA?

The Dignity for All Students Act (The Dignity Act) was established to protect all students from harassment, bullying and discrimination.

It became effective on July 1, 2012 and was amended to include cyberbullying effective July 1, 2013.





Dignity for All Students Act (DASA) Information

Prohibits bullying, harassment, discrimination, or cyberbullying **against students** and **shall include, but not be limited to**, those acts based on a person's **actual or perceived**:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sexual orientation
- Gender (including gender identity and expression)
- Sex
- **OR OTHER** (Physical characteristics, age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.)

DISTRICT AND SCHOOL RESPONSE TO DASA





Requirements of Schools

- Provide students, staff and persons in parental relation with information about DASA, including the identity of the DASA Coordinator;
- Information is provided in languages other than English when necessary; and
- Policies, procedures, and guidelines that require a school environment free from harassment, bullying, discrimination, and cyberbullying.



School District Policies

These policies must serve the following functions:

- Identify administrative designee to receive reports;
- Enable students and persons in parental relation to make a report;
- Require school personnel to **notify** an administrator of report within **one day** and file a **written report** no later than **two days** after original report;
- Require a thorough investigation be completed promptly after a report;



School District Policies *(cont'd)*

- Require the school to take prompt action to end harassment, bullying, and/or discrimination;
- Prohibit retaliation against anyone making a report or assisting with the investigation,
- Develop a school strategy to prevent harassment, bullying, and discrimination;
- Require school leader to regularly report data trends to the superintendent;
- Require school leaders to notify local law enforcement when behavior is believed to constitute criminal conduct;



School District Policies *(cont'd)*

- Require that all school personnel receive a copy of the district policies, including the reporting process, at least annually; and
- Ensure that the district's policies and procedures, including an incident report form, are posted on the district's website.





Dignity for All Students Act

Dignity Act Components

- **Policy**
- **Dignity Act Coordinator**
- **Instruction for students**
 - Civility, citizenship, and character education to address prohibition of harassment, bullying, or intimidation, including cyberbullying
- **School employee training**
- **School employee reporting**
- **Annual reporting**





Definitions

- **Bullying** is described as an unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
- **Bullying** can occur before and after school hours, in a school building, on a playground, on a school bus while a student is traveling to or from school, or on the Internet.
- **Cyberbullying** occurs when harassment or bullying happens through any form of electronic communication.

Students who are bullied and those who bully others may have serious and lasting problems



Definitions

According to the United States Department of Education (USDOE),
www.stopbullying.gov/what-is-bullying/definition/index.html,

bullying generally involves the following characteristics:

- An Imbalance of Power
- The Intent to Cause Harm
- Repetition *or have the potential to be repeated**

***Please note:** in New York State, bullying can be a single incident if it has the potential to be repeated.



Definitions

Harassment is defined as the creation of a hostile environment by conduct or verbal threats, intimidation, or abuse that has or would have the following effect:

- reasonably and substantially interfering with a student's educational performance, opportunities or benefits; or
- would reasonably be expected to cause a student to fear for his or her physical safety.

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.



DASA Reporting Requirement

Reporting

Required to orally report the incident(s) **within one (1) school day** to the principal, superintendent or his/her designee

Report it **in writing within two (2) school days** after making an oral report.



Develop School/District Form

Must include:

- ✓ Date
- ✓ Name of student target
- ✓ Name(s) of aggressor(s)
- ✓ Name(s) of witnesses/bystanders
- ✓ Description of incident
- ✓ Name of reporter (can also be anonymous)

The form must be accessible on the school/district website

Following the completion of the incident report form, a prompt and thorough investigation begins



The Investigation

DASA Coordinator or Administrator typically leads the investigation.

- Team approach is recommended to collect information
- School resource office and mental health professional also advise and respond

Interview all involved (target, aggressor, witnesses):

- Separately- this is not mediation or conflict resolution
- Use calm, problem solving, investigative approach to find out:
 - What exactly was said and done [save evidence, including recordings]
 - Motive/intent (anger, misguided joke, threat of harm to safety)
 - Relationship and past history (one time occurrence or repeated)
 - Impact or perceived impact on school functioning
 - Contact persons in parental relation of all students interviewed unless there is a privacy issue/reason not to.



Material Incident

After investigating an incident, the Dignity Act Coordinator or school leader must make a determination as to whether the incident is “material”.

A material incident under DASA is:

- An act or series of acts by a student and/or employee on school property, or at a school function
- Creates a hostile environment by conduct
 - with or without physical contact, and/or
 - verbal threats, intimidation or abuse
- Conduct of such a severe or pervasive nature that it has the following effect:
 - unreasonably and substantially interferes with a student’s educational performance, opportunities or benefits; or
 - mental, emotional and/or physical well-being; or
 - reasonably causes, or would reasonably be expected to cause, a student to fear for his or her physical safety



Material Incident

A single incident or series of related incidents

Student is subjected to discrimination and/or harassment by student and/or employee

Mental,
emotional,
and/or physical
well-being

Creates a hostile environment with or without physical contact and/or by verbal threats, intimidation, or abuse

Educational
performance,
opportunities,
or benefits

Severe or pervasive enough to substantially interfere with education, well-being, or fear for physical safety



Take Prompt Action

Consequences are most effective when they directly address the problem and the context

The most effective approach considers the following:

- Student's age and developmentally-appropriate conduct
- Specific offense and circumstances of incident
- Student's prior disciplinary record
- Input from persons in parental relation, teachers, mental health professionals, as appropriate
- Disability status (determine whether behavior is directly related to disability)



Plan for Change

- Plan for change
 - Restorative practices; positive intervention supports
- Provide support to students and persons in parental relation involved
 - Counseling, conflict resolution, mediation
- Take actions to improve school climate
 - Behavioral intervention contract; teach dignity and respect
- Develop/refine school policy
 - Review and revise regularly



Dignity Act Reporting Basics

The method through which schools compile and maintain Dignity Act-related data throughout the school year is a *local* decision.

The annual Dignity Act reporting will be performed using standardized on-line format provided by NYSED.



School to District Reporting

Policies and procedures include:

- ✓ Dignity Act Coordinator reviews incident reporting forms regularly- at least once per semester; and
- ✓ Dignity Act Coordinator provides summary data for the semester to the school leader, including the following:
 - Number of incidents reported that semester;
 - Number of cyberbullying incidents reported that semester;
 - Number of reported incidents found to be material; and
 - Type of bias involved in the incidents, if any
- ✓ School leader reviews and collates summary data from the Dignity Act Coordinator- includes in the principal's annual report to the Superintendent
- ✓ District Document retention includes report forms and investigative materials





District to NYSED Reporting

- The Superintendent reviews each school principal's annual report and summary
- The Superintendent provides a certified accurate count of all material incidents for the school year July 1st – June 30th to NYSED
- All DASA Incident Reports are filed or maintained electronically in a central location for the period of time required by the NYS Records Retention rules
- DASA Incident Reports are not filed as a part of a student's school record





Prevention... Starts Long Before an Incident Occurs

Comprehensive, systematic efforts

- Positive Behavioral Intervention and Supports (PBIS)
- Social-emotional development and learning
- Progressive consequences [vs. zero tolerance]



Collaborative efforts

- Staff training and clear expectation
- Involve persons in parental relation
- Student involvement
- Partnership with law enforcement and community agencies



Promote Positive Climate



NYSED Resources

For Additional Information, please visit the following:

Dignity Act: <http://www.p12.nysed.gov/dignityact/>

Guidance for Local Implementation:

<http://www.p12.nysed.gov/dignityact/documents/DASAGuidanceLocalImplementation.pdf>

Resource for Promising Practices Guide:

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.pdf>



Other Resources

Safe and Supportive Learning:

<https://safesupportivelearning.ed.gov/>

Stop Bullying:

www.stopbullying.gov



Contact Information

NYSED Office of Student Support Services

518-486-6090

<http://www.p12.nysed.gov/sss/>

New York State Center for School Safety

844-509-7161

www.nyscfss.org

