

The New York State Dignity for All Students Act



All of the EMHCS policies and procedures in this manual are adopted by all of the EMHCS 21st Century Community Learning Centers Program

Board Approved February 2023

Eugenio Maria de Hostos Charter School

DIGNITY FOR ALL STUDENTS ACT

New York State's Dignity for All Students Act seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus, and/or at a school function. The Dignity Act was signed into law on September 13, 2010, and took effect on July 1, 2012. The Act applies to all New York public school districts, Boards of Cooperative Educational Services ("BOCES"), and charter schools.

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 Act aims to create a safe and supportive school climate where students can focus on learning rather than fear being discriminated against and/or verbally and/or physically harassed.
- The Act provides a response to a 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 preventing harassment and discriminatory behaviors by promoting educational measures meant to positively impact school culture and climate.
- The Act also requires schools to collect and report data regarding material incidents of discrimination and harassment.

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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: 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 creating and maintaining 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.

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Eugenio Maria de Hostos Charter School (EMHCS) is committed to providing a safe, supportive environment free from harassment, bullying, and discrimination for all students. EMHCS encourages the involvement of staff, students, parents, and community members in implementing the Dignity for All Students Act ("DASA") and the expectation that all students be treated with compassion and respect.

Definitions

Bullying has been 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, or at locations such as on a playground or on a school bus while a student travels to or from school or on the Internet.

According to the United States Department of Education, bullying generally involves the following characteristics: An imbalance of power, the intent to cause harm, and repetition.

Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else.

Harassment is the creation of a hostile environment by conduct or by 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.

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.

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Prevention

EMHCS provides an opportunity to teach students and emphasize among staff that cooperation with and respect for others is a key value of the school setting. We provide preventative programs to not only decrease incidents of harassment, bullying, cyberbullying, and/or discrimination but to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Staff members and students should receive professional development and instruction on the warning signs of harassment, bullying, and/or discrimination and their responsibility to actively prevent such acts before they occur.

EMHCS Board of Trustees will approve a school-wide policy on Harassment, Bullying, Cyberbullying, and/or Discrimination Prevention and Intervention. The Chief Executive Officer, in collaboration with the principals, will appoint representatives from staff and administration. The school-wide committee will assist the administration in developing and implementing specific procedures for early identification of harassment, bullying, and/or discrimination, as well as other preventative strategies. In addition, the program will include reporting, investigating, remedying, and tracking allegations of harassment, bullying, cyberbullying, and/or discrimination established by law and regulation.

Intervention

With proper training, intervention by adults and bystanders, including students, can be important in preventing escalation and resolving issues at the earliest stages. Remedial responses to harassment, bullying, and/or discrimination will likely involve staff intervention. Responses may include measures designed to correct the behavior, prevent another occurrence of the behavior, and protect the targeted student. Remediation can be targeted to the individual(s) involved and/or EMHCS.

Any individual aware of harassment, bullying, cyberbullying, and/or discrimination is expected to refer the targeted students to designated resources for assistance and/or intervene in accordance with this policy and the relevant code of conduct provisions. Each case will be handled individually, and the student, the person in parental relation, and the school administration will collaborate to establish safety provisions that best meet the needs of the students.

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Training

EMHCS recognizes that professional development is needed in order to implement an effective harassment, bullying, and discrimination prevention and intervention program. EMHCS will incorporate training to support this program in the annual professional development plan and provide additional training as needed. Training opportunities shall be provided to all employees.

Reporting and Investigation

Students who have been subjected to harassment, bullying, cyberbullying, and/or discrimination, persons in parental relations whose children have been subjected to such behavior, or other students who observe or are told of such behavior are encouraged and expected to make verbal and/or written reports. Complaints shall always be documented, tracked, investigated, and remediated in accordance with the regulations and procedures in this policy. If unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with his/her supervisor.

Student Disciplinary Consequences/Remediation

While the primary focus of this policy is on prevention, acts of harassment, bullying, cyberbullying, and/or discrimination may still occur. When such acts occur, student offenders will be given a clear message that their actions are inappropriate, will not be tolerated, and are inconsistent with the concepts of tolerance, respect for others, and the fostering of a safe and supportive school environment for all students.

Please, refer to our school's code of conduct.

Dissemination, Monitoring, Review, and Reporting

This policy will be posted on the school's Internet website. A plain language summary of the policy will be provided to students, persons in parental relations, and school employees at least once during the school year. Each year, as a part of the required annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law.

In addition to tracking harassment, bullying, cyberbullying, and/or discrimination incidents for school-wide analysis and annual statewide reporting, building principals will report incident data periodically to the executive director. The board will receive the annual report as well as other relevant data with particular attention to the trends in incidents of harassment, bullying, and/or discrimination. Based on the data review, the board may consider further action, including but not limited to modification of this policy and additional training. EMHCS will report such information to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

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Process for Reporting

As a school, we are committed to providing a safe and nurturing environment to our students, families, and staff. Please follow the process below if you experience, suspect, or witness any acts of bullying, cyberbullying, discrimination, or harassment.

1. Complete the DASA report form and submit it to the DASA Coordinator within 24 hours of knowing the alleged incident/concern.
2. DASA Coordinator will conduct an assessment of the complainant.
3. Based on the information received, DASA Coordinator will determine an order of investigation interview.
4. DASA Coordinator will review all evidence and, in collaboration with the administrator, determine whether it is a material incident or other behavior.
5. DASA Coordinator will collaborate with the administrator to determine interventions, consequences, and resources.
6. DASA Coordinator will complete a report.
7. DASA Coordinator, in collaboration with the administrator, will inform all parties of the determination (complainant, alleged harasser, parents, and school staff as appropriate).
8. DASA Coordinator will schedule a revisit with the complainant whether the issue founded or not.
9. DASA Coordinator will compile, track and share data with the school principal.
10. School Data Coordinator reports incidents to the state yearly.

DASA Coordinador

At Eugenio Maria de Hostos Charter School, each Social Worker for the designated grades serves as the DASA Coordinator.

DASA Coordinators are:

Lexie Gastelum: Grades K-3rd

Tania Arellano: Grades 4th – 6th

Julissa Gonzalez: Grades 7th – 8th

Erin Krisher: Grades: 9th-12th