

DIGNITY FOR ALL STUDENTS ACT

In 2010, the New York State Legislature passed the “Dignity for All Students Act,” also referred to as “DASA,” to address issues related to harassment and discrimination in schools. The law became effective on July 1, 2012 and requires schools to take steps to ensure that their environment is conducive to learning and allows students to feel comfortable, safe, and secure. In establishing the new law the legislature finds that students’ ability to learn and to meet high academic standards, and a schools ability to educate students, is compromised by incidents of discrimination or harassment including bullying, taunting or intimidation.

The goal of DASA is to provide public elementary and secondary school students with an environment free from discrimination and harassment, as well as to foster civility in public schools. DASA also focuses on prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate The Nyack School District continues to strive to provide a safe and secure learning environment for its students and has taken the steps necessary to implement this new law.

DASA FREQUENTLY ASKED QUESTIONS:

Q: Who is protected under the Dignity for All Students Act?

A: The Act protects all public elementary and secondary school students from discrimination and harassment by students and/or employees on school property or at a school function who are subjected to intimidation or abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The Act explicitly states that bullying, taunting and intimidation are all forms of harassment.

Q: Does DASA address bullying and hazing?

A: Bullying and hazing are both considered harassment and/or discrimination and are prohibited by the Act.

Q: How does the new DASA law define harassment?

A: Bullying is defined as severe or repeated use by one or more students or school employees of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at a student that has the effect of: (i) causing physical injury, serious physical injury or emotional harm to the student or damage to the student’s property; (ii) placing the student in reasonable fear or harm to himself or herself or of damage to his or her property; (iii) creating a hostile environment at school for the student;

or (iv) materially and substantially disrupting the educational process or the orderly operation of a school.

Q: *What is Cyberbullying?*

A: Cyberbullying is defined as willful and repeated harm inflicted through the use of computers, cell phones, or other electronic devices: (i) the behavior is deliberate, not accidental; (ii) the behavior is repeated, not just a one-time incident; (iii) harm occurs-from the perspective of the target; and (iv) it is executed using the benefits of technology.

Q: *What physical spaces are covered under the Act?*

A: The Dignity for All Students Act covers conduct on school property, including athletic fields, school buses, playgrounds, and parking lots, in school buildings and classrooms, and at school-sponsored events and activities, such as dances and athletic competitions.

Q: *How does the Dignity for All Students Act relate to a school's Code of Conduct?*

A: The Code of Conduct has been amended by law, to reflect the prohibition of discrimination and harassment of students by students or school personnel.

Q: *Does the Act require any training?*

A: Yes, the Dignity for All Students Act requires schools to provide training to all employees to increase awareness of and sensitivity to discrimination and harassment in schools and to achieve civility in the schools among all people, staff and students alike.

Q: *Are school districts required to have a staff member, in each of their schools, trained to handle the areas specified by the DASA law?*

A: Yes. DASA requires that each school assign a member of the staff to serve as the Dignity Act Coordinator. The Dignity Act Coordinator is the point person for DASA in their respective school. The work of the Coordinator focuses on the premise that no student be harassed or discriminated against due to their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

Nyack's Dignity Act Coordinators are:

- **Lucia Pichardo - Nyack High School**
- **Lucrisha Addison - Nyack Middle School**
- **Joe Mercora - Upper Nyack Elementary School**
- **Ellen Rechenberger- Liberty Elementary School**
- **Regina Cappiello- Valley Cottage Elementary School**

Q: *Who should my child and/or I contact if they are the target of harassment, discrimination, or bullying?*

A: Any student who believes he or she has been the victim of harassment, discrimination or bullying by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Victims are encouraged to submit the complaint in writing (the incident reporting forms may be found on the District website @ www.nyackschools.org); however, complaints may be filed verbally. Complaints must be filed with the Principal or Dignity Act Coordinator. Any school employee who receives a reported complaint of harassment, discrimination or bullying from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or Dignity Act Coordinator. In order to assist investigators, victims should document the harassment and or bullying as soon as it occurs and with as much detail as possible including: the nature of the bullying/harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment/bullying; and the victim's response to the bullying/harassment.

Q: *How much information can the school district share with regards to the victims and perpetrators of specific incidents of harassment, discrimination or bullying?*

A: Family Educational Rights and Privacy Act (FERPA) is a law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Generally, schools must have written permission from the parent or eligible student (18 years or older) in order to release any information from a student's record.

Q: *Does DASA provide any protection for people who report incidents of harassment, discrimination, or bullying?*

A: Any person having reasonable cause to suspect that a student has been subjected to harassment, discrimination or bullying by a student and/or an employee, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating, or assisting in such formal or informal proceedings. School districts and their respective employees are prohibited from taking, requesting or causing retaliatory action against any such person, who acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings (Education Law §16).