



NEW YORK STATE MIGRANT EDUCATION PROGRAM

TITLE: Protecting Your Children: What Parents Need to Know About Bullying (1) - Introduction to the NYS DASA Legislation

DESCRIPTION: This workshop introduces parents to the NYS Dignity for All Students Act (DASA). The workshop will develop awareness around the issues of bullying, harassment, and discrimination and introduce how to use the structure of DASA to report concerns, so they have tools to support parents in their role as advocates for their family. Bullying has been a concern of migrant parents for many years. The NYS Migrant Education Program developed this DASA series in response to parents who asked how to help their children when bullying occurs. *(Updated December 2022 to use NYSED's sample Incident Reporting Form.)*

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DASA SERIES: This is one of three workshops designed to assist parents in the Migrant Education program with skill development pertaining to bullying and the NYS DASA legislation as it pertains to school climate and student safety. This is part of a larger series of workshops developed to inform Migrant Education parents, staff and students how to utilize the NYS Dignity for All Students Act (DASA) legislation.

Facilitator Guide

OBJECTIVES/LEARNING TARGETS

- Parents will learn how NYS DASA legislation plays a role in creating safe schools.
- Parents will learn how to use DASA to confront bullying.
- Parents will learn how to report concerns about bullying to the school district.

WORKSHOP/MODULE DESIGN

This is one of three workshops designed to target skill sets parents need. These can be used in any order. The targeted audience is

migrant eligible parents. Parents often notice issues with their children and do not know how to respond. Being able to support a child who is being bullied is vital to working to create positive learning environments for Migrant Students.

CONNECTION TO THE NYS MEP THEORY OF ACTION

Subject Content and Instruction

- Basic knowledge of bullying, harassment and discrimination.
- Foundation skills in DASA Legislation and how it works with parents, schools,

students, and community to create a safe learning environment and positive school culture.

Developing Self-Advocacy Skills

- To help parents understand skills that both students and parents need for reporting bullying, harassment and discrimination
- To assist parents in teaching their children self-advocacy skills

Identity Development

- To develop awareness of how bullying, harassment and discrimination are created by the social structures that create unequal power dynamics
- To illustrate how DASA works to protect students who are easy targets of bullying due to social structures that create unequal power dynamics
- To provide students who are being bullied with a community of support that has the skills to respond to their needs.

WORKSHOP PREPARATION

To prepare for this workshop you should read the following:

- DASA Legislation in the Appendix at the end of this Guide.
- DASA Overview below, and
- all of the handouts
- DASA Reporting Forms from local districts

DASA Overview: “No student shall be subjected to harassment by employees or

students on school property or at a school function; nor shall any student be subjected to discrimination 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 or expression), or sex by school employees or students on school property or at a school function.” (Section 12, Article 1 of the New York State Dignity for All Students Act, New York State Education Law Article 2, Effective July 1, 2012.

- This was amended in 2013 to include Cyberbullying.
- You can read the full law in the Appendix at the end of this Guide.

Flipchart/Newsprint Paper

Many activities involve brainstorming on flipchart paper. You can **PRE-WRITE** the headings on the flipchart paper, in the order you are using them.

SUPPLIES AND MATERIALS

- Power Point: *Protecting Your Children: What Parents Need to Know about Bullying – Part 1*
- Participant Handouts
 1. Power Point Notes
 2. NYS Protected Groups Under DASA, Definitions and Resources
 3. NYSED sample: Incident Reporting Form (see page 15 for NYSED links)

Facilitator Note: The Power Point and all participant handouts are available in English, Spanish, Karen, and Burmese.

- Name Tags
- Markers to write on newsprint

SUPPLIES AND MATERIALS (continued)

- Flipchart Headings
 - (Slide 4) What is Bullying? One newsprint sheet with this list: Physical Bullying, Cyber Bullying, Emotional/Mental Bullying, and Verbal Bullying. (Leave space to add “Sexual Bullying” during Slide 5.)
- Extra flipchart
- Tape

STAFFING NEEDS

- Staff member to help with writing responses on the newsprint
- Interpretation as needed: (1) person to interpret, and (1) person to write/translate responses on the newsprint lists
- Childcare as needed

Workshop Set Up: Space that is conducive to movement and group work.

Time: The estimated time for this workshop is 1 hour 30 minutes, when the workshop is conducted in one language. When adjusting to incorporating a second language with consecutive interpretation, a general rule is to double the time needed.

Limited Time: If you only have about 30 minutes, in one language, you can condense the presentation to the **Core Slides 7, 8, 9, 11 and 12**. Parent questions and comments will guide you in deciding which areas they need more information and support.

WELCOME

(As participants arrive)

Facilitator Note: Direct participants toward the sign-in sheet, name tags and have them sit where they choose.

Greeting participants by welcoming them, helps establish the tone for the workshop. This type of workshop may be new to many of our migrant families. They may not have had an experience in learning in this type of group setting. By welcoming them, you are helping to establish a safe space for learning and sharing.

PROTECTING YOUR CHILDREN: What Parents Need to Know About Bullying Part 1

(Title slide) (Slide 1)

Workshop Overview

(5 minutes)

Key Points

- Workshop is designed to help parents who are concerned about bullying.
- Parents learn how to work in partnership with the school to use DASA legislation.

- Workshop Goals: to identify characteristics of students who are bullied, to identify traits of students who bully others, to learn how NYS DASA legislation plays a role in creating safe schools, to develop skills for using DASA to confront bullying, to learn how to report concerns to the school district, and to help their children learn how to self-advocate.

It might sound like: Welcome, I am glad you are here. I am _____. I work with the (program) and I am the (position). I have worked with _____ for ____ years.

This workshop is **Protecting Your Children: What Parents Need to Know about Bullying**. It is designed to help parents who are concerned about their children being bullied to learn how to work with the school and use the NYS Dignity for All Students Act, known as DASA to stop the bullying.

The goals of this workshop are to help you in the following ways:

- to learn how NYS DASA Legislation plays a role in creating safe schools,
- to develop skills for using DASA to confront bullying,
- to learn how to report concerns to the school district, and
- to help your children learn how to self-advocate.

HOUSEKEEPING AND PARTICIPANT INTRODUCTIONS (Slide 2)

(10 minutes)

Housekeeping Key Points

- Personal information may be shared during this workshop.
- Feel free to share what you learn, and please keep the names and stories confidential.
- Location of restrooms.
- Put phones on vibrate.
- Other details as appropriate to your setting.

It might sound like: During this workshop, personal information may be shared. We ask that you respect other's privacy and please keep that information within this room. Restrooms are located _____. Please place your cell phone on silent or vibrate, so this is not a distraction to others. Water/beverages are located _____, please help yourself. If at any time you feel overwhelmed or like you need to take a break, please feel free to step out and take care of yourself.

Introductions Key Points

- Name
- Where you are from
- A concern you have about bullying

It might sound like: Please stand when it is your turn and share the following: your name, where you are from and one concern you have about bullying.

Facilitator Note: When participants are shy, move around the group and give attention and a warm smile to each person as they introduce themselves and share any concerns they are ready to share.

ACTIVITY: DEFINITIONS (Slide 3)

(10 minutes)

Process

1. **Handout:** NYS 11 Protected Groups and Definitions
2. Start bottom of page 1, with “Bullying”
3. Ask parents to follow along as you review/read the definitions

Facilitator Note: The handout, “NYS Protected Groups under DASA, Definitions and Resources,” will be used for reference throughout the workshop.

Key Points

- Bullying generally involves the following characteristics:
 - Imbalance of power
 - Intent to cause harm
 - Repetition
- Harassment does not have to include intent to harm, be directed toward a specific target, or involve repeated incidents.
- Discrimination is the exclusion and negative treatment of individuals or groups of people based the real or perceived identity of an individual or group.
- Target or Victim is an individual who is the intended person hurt by bullying, harassment or discrimination.
- Bully or Perpetrator is a person or group of people who intentionally and repeatedly harass, bully or discriminate against a person based on biases toward the person/group.

- Advocate and Defender is a person who helps the target of bullying, harassment and discrimination by reporting, standing up for the target or seeking help from a teacher, school administrator or other school staff.

It might sound like: We are going to lay the foundation of this workshop by discussing some vocabulary that you will need to understand. These words will be used throughout the workshop and I want to make sure everyone understands them.

Look at the bottom of page one of the handout, and find the word “Bullying.” You can follow along as I read these terms and definitions.

Facilitator Note: Read the ten (10) foundational terms and definitions on the handout.

Does anyone else have anything to add? That is terrific, thank you.

WHAT IS BULLYING? (Slide 4)

(10 minutes)

Process

1. List four types of bullying, each on newsprint chart. (Physical, Verbal, Emotional/Mental, and Cyber)
 - a. (Leave room to add “Sexual Bullying” at the bottom, later)
2. Ask group to brainstorming characteristics, one type of bullying at a time.
 - a. Use the chart below for examples to prompt participants and guide the brainstorming
 - b. Proceed to the next type of bullying in this section.

Characteristics of Bullying		
Physical Bullying	Verbal Bullying	Emotional/Mental Bullying
hitting	name calling	gossiping
kicking	racial slurs	excluding someone
punching	homophobic statements	telling lies about someone
destroying property	hurtful language	damaging a person’s reputation
tripping	anti-religious language	ignoring someone
slapping	anti-cultural identity language	spreading rumors
taking property	rude statements	etc.
pulling hair	etc.	
etc.		
Cyberbullying		
Using the Internet or social media to spread lies or send inappropriate messages or images.		
Sending text messages that are hurtful or that contain inappropriate pictures.		

It might sound like: We are going to examine different types of bullying and other related information that you need to know as parents.

I want you to first think about what **physical bullying** might look like to your child.

Here is one example: Hitting.

Can anyone give me some examples? Are there other examples? Who would like to share?

Now let's think about what **verbal bullying looks like**. One example is calling someone names. Can anyone give me some examples? That's wonderful, thank you for sharing. Who else has an example? Thank you.

What are some characteristics of **emotional/mental bullying**? Gossiping is one example of emotional bullying. Can anyone give me an example of emotional/mental bullying? That is a good example, thank you for sharing. Does anyone else have an example? Great, thank you.

Let's think about **cyberbullying**. One example of cyberbullying is when someone sends a hurtful text. Does anyone have another example to share? That is a really good example, thank you. How about some more examples? Great, thank you."

THE UNSPOKEN FORM OF BULLYING (Slide 5)

(5 minutes)

Process

1. Add "Sexual Bullying" to the piece of newsprint paper.
2. Generate a list of the characteristics.
 - a. Starting brainstorming with the group.
 - b. Write the groups' responses on the newsprint.
 - c. Fill in missing characteristics from the following examples.

Characteristics of Sexual Bullying		
Statements about weight or body shape	physical development	gender stereotypes
conforming to gender roles	concept of beauty	privilege
shaming	homophobia	beauty-ism
disability	difference	

It might sound like: Now we are going to talk about one more form of bullying. This is a type of bullying that parents, students, and society do not really like to talk about. It can be embarrassing and uncomfortable to discuss. It may be very difficult to discuss this with your children too. You may not know the words to use or they may not want to talk with you about it. It is called sexual bullying. This type of bullying may target someone based on ideas others hold about what they should look like, how they have physically developed and may include ideas of how a female or male should behave.

What does sexual bullying look like to you? Thank you for sharing. Does anyone else have an example? Great, thank you.

ACTIVITY: WHERE DOES BULLYING TAKE PLACE? (Slide 6)

(10 minutes)

Process: Pair/Share

1. Give participants 2 minutes to share with a person next to them
2. Discuss as a large group.

It might sound like: With the person next to you, share ideas about where you think bullying takes place in school. I'm going to give you 2 minutes.

Now let's come back together. Who would like to share what your group came up with? Are there any other places that bullying might take place? Great, thank you.

Facilitator Note: Use this list of examples to prompt participants, and as needed to help participants reach the idea that bullying can happen anywhere.

Where bullying takes place: Bus, restrooms, cafeteria, music or band room, school, library, hallways, locker room, playground, gym, online, social media, cell phone, classroom, walking to school, sporting events, field trips, proms and dances, bus stop, ANYWHERE!

DASA LEGISLATION (Slide 7)

(3 minutes)

Key Points

- Introduce New York State's Dignity for All Students Act (DASA).
- Law went into effect July 2012.
- Amended to include Cyberbullying in 2013.
- Read the Overview of the Law to participants from the handout titled, "NYS 11 Protected Groups and Definitions".

It might sound like: Now I would like to share information about the DASA legislation. DASA stands for Dignity for All Students Act. This is a piece of legislation that the New York State government passed and implemented in July of 2012. It was amended in 2013 to include Cyberbullying. You can go to the link to review the entire law. This is what the law states:

“No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination 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 or expression), or sex by school employees or students on school property or at a school function.”

Does anyone have any questions or comments they would like to share? Thank you.

COVERD GROUPS: NY (11) (Slide 8)

(5 minutes)

Facilitator Notes: Background

These are the 11 groups that NYS has issued protection to under the DASA legislation. Federal education law covers these groups without specifically identifying Sexual Orientation. This is a difference between NYS and federal legislation. Federal education law also includes pregnancy as a protected group.

Federal Laws

Although no federal law directly addresses bullying, in some cases, bullying overlaps with discriminatory harassment when it is based on race, national origin, color, sex, age, disability, or religion. When bullying and harassment overlap, federally funded schools (including colleges and universities) have an obligation to resolve the harassment. When the situation is not adequately resolved, the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division may be able to help.

Are there federal laws that apply to bullying?

At present, no federal law directly addresses bullying. In some cases, bullying overlaps with discriminatory harassment, which is covered under federal civil rights laws enforced by the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ). No matter what label is used (e.g., bullying, hazing, and teasing), schools are obligated by these laws to address conduct that is:

When the bullying is **severe, pervasive or persistent**, this creates a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.

***When addressing issues of bullying that are not part of the groups covered (NYS 11) the other incidents are covered by a school’s Code of Conduct policy and should be handled accordingly.

Key Points

- There are 11 protected groups in the DASA legislation: Race, Color, Weight, National Origin/Ethnicity, Religion, Religious Practice, Disability, Sexual Orientation, Gender, Gender Identity or Expression, and Sex.
- Legislation that protects or expands people’s rights has come from community activism.
- Special education and English as a new language are examples of community activism efforts that have expanded students’ rights in schools.
- Data is collected on these groups.
- Issues of bullying that do not fall under these groups are Code of Conduct issues.

***It might sound like:** These are the eleven (11) groups that NYS recognizes for special protection under DASA: Race, Color, Weight, National Origin/Ethnicity, Religion, Religious Practice, Disability, Sexual Orientation, Gender, Gender Identity or Expression, and Sex.*

Facilitator Note: These eleven (11) groups are listed on the handout titled, “NYS 11 Protected Groups and Definitions.”

There is a strong history of people fighting for civil rights in the U.S. and DASA is a part of that. This protection exists because of community activists fighting for safe schools. The outcome of their work is this legislation. Community activism leads to the legislation that protects or expands people’s rights. Some other examples in schools are special education, and English as a new language for immigrants. These regulations reflect our society trying to be its best.

*New York State collects data on the school reports under these categories. There may be other incidents of bullying that would fall under **Code of Conduct issues** such as, poverty, being weird, different, tall, short, etc. These still should be reported to the school so that they can be addressed, and the target and the bully can both receive help and support. However, they are not reported to the state in the same way.*

WHY DON'T STUDENTS REPORT BULLYING? (Slide 9)

(5 minutes)

Key Points

- Children trust some people and not others.
- Adult behavior sends messages about how problems should be handled.
- Parents are often busy and unaware of issues in their children's social lives.

It might sound like: *Why would a student not report an incident of bullying at school? Are there people that a student may trust more than others? Does your child feel safe sharing with you? Why or why not? Think about what messages you may have sent to your child about how to handle a problem. Parents are busy sometimes providing for basic needs and may not be aware of what is going on with their children and their children's friends.*

Let's think of reasons why a student may not report bullying to the school. Any volunteers?

Group Discussion

What are reasons why a student may not report bullying to parents? Does someone have a reason?

WHAT PREVENTS REPORTING? (Slide 10)

(3 minutes)

Key Points

- There are many reasons students do not report being bullied.
 - 80% of students feel teachers ignore bullying and will not respond.
 - Some students feel that their parents don't care, or will not help them.
 - Sayings like, "words can't hurt you" perpetuate the cycle of students not reporting.
 - Fear and shame dominate the reasons of why students do not report.
 - Not feeling connected to school staff.

It might sound like: *There are many reasons students do not report being bullied. Many students, some 80%, feel teachers ignore it and will not do anything. Some students feel parents do not care or will not help them. Often students hear things like "words can't hurt you" or "you need to be tougher."*

Does anyone have another reason they would like to add?

HOW TO REPORT (Slide 11)

(10 minutes)

Key Points

- Where can you report incidents of bullying?
 - School – work with the school to help your students.
 - Identify trusted adults that the student could talk to if there is a problem.
 - DASA Coordinator: anyone can report an incident of bullying to the DASA Coordinator or school staff.
 - If the school does not reasonably address the issue, it can be reported to the police or the Federal Department of Education.
- How do you report incidents of bullying?
 - At school, the DASA Coordinator has a report to complete.

Handout: Sample Incident Reporting Form

***It might sound like:** At school, everyone is able to file a complaint with the DASA coordinator (students, teachers, bus drivers, crossing guards, coaches, teacher aides, principals, cafeteria workers, janitors, substitute teachers, parents, and community members).*

One person at each school building in a district is assigned to be the DASA coordinator.

If the school does not investigate and help to address the issue, parents can help their student report to the police.

An important step is to help students learn to advocate for themselves and stand up for their rights. No one deserves to be a target of bullying, harassment or discrimination. Families can be a great first support system. Schools can also be a great partner in protecting students.

As parents, get involved with the school to create safe spaces, anti-bullying campaigns and support services for students who are affected by bullying.

The DASA Coordinator will have questions to fill out a report. Each school designs its own reporting form, so they can all be different. NYSED's sample Incident Reporting Form is available in English and 11 other languages, including Karen and Spanish, to give you an idea of what it could look like. For Burmese, we can use TASC's older sample in Burmese & English.

Let's take a look at the sample reporting form. I will read some of the questions asked on this one... **[Facilitator Note:** Select the questions you want your parents to be ready for.]

The one at your school will probably look a little different but will probably ask for some of the same information.

When you have a concern and need to talk with someone at the school, it is okay if you do not have all of the information. But this will help you be ready for the questions they will ask.

Facilitator Note: Every school building has a person designated as the DASA Coordinator. In the smaller, one-building school districts, there might be one DASA Coordinator for the district. Some schools list the DASA Coordinators on their websites.

Give parents **the** sample reporting form handout, with the caution that each school **may** be different, and that they do not need all of the answers to report an incident or concern.

HELPING YOUR STUDENT (Slide 12)

(5 minutes)

Key Points

- Learning to speak up is important.
- Students need parents to teach them to filter information.
- Student should learn to ask, “Is it true?” “Is it Factual?”
- Students understand what is posted online stays there forever. Post less.
- Not everyone is your friend. Someone who is anonymous is not your friend.
- Students need to learn to share less.
- Parents need to check social media accounts—not about trust, about protection and safety.

It might sound like: *Learning to speak up is an important skill all young people must learn to develop. Our children need us to teach them to filter information by asking, Is it true? Is it a fact? Helping young people understand that what is posted stays there forever. A sometimes-difficult but important lesson is understanding that not everyone is your friend. Learning to post less and share less is important. Finally, it is important for parents to check social media accounts and put restrictions on use. It is not about trust. It is about protection and safety.*

Have a conversation with them. It might sound like this:

“I am so glad you told me about _____, this must be so hard for you. I want to help you, and this is not your fault. No one deserves to be bullied. Let’s talk to _____ together and work to end this.

I am concerned that something is going on in your life that you are keeping a secret. You can always share with me and I will love you no matter what. I can work to help you through this situation.”

Teach students to stand up for themselves. They are not whatever name or lie or rumor that is being shared. Learning to say, “Stop. That isn’t true,” takes practice. Create a safe space to practice standing up to a bully at home.

RESOURCES (Slide 13)

(5 minutes)

Key Points

- Family: support, prevention and advocacy, skill building
- School: support, counseling, prevention, referrals
- Community: medical, counseling, prevention
- Law: reporting, criminal investigation, prevention, support
- Online resources

It might sound like: *There are resources to help you as parents to be both advocates for your children with the school and to help you learn how to better support your sons and daughters who may be targets of bullying. The definition sheet handout we provided has a list of resources at the end.*

You are a resource through your support, advocacy, and the work you do to help your child build self-advocacy skills. The DASA Coordinator at the school or someone in the counseling department, a trusted teacher, or a building administrator are all people you can contact. In the community there are counseling resources, and if you don’t know where to go, your doctor’s office can provide referrals. Finally, if things get bad, there are times when the police should be contacted.

Parenting is hard; so is working with your child’s school. First and most importantly, get to know your child’s teachers and the school staff. These people want your child to succeed as much as you do.

Second, talk to your child about bullying and that it is not okay. Help them learn how to stand up and speak out to bullying by reporting it.

Finally, support your child; tell them this is not their fault and that they do not deserve this treatment. And, that you love them.

QUESTIONS (Slide 14)

(5 minutes)

Key Points

- Follow up questions
- Support and referrals as needed

It might sound like: *Thank you for participating in this workshop today. It has been a pleasure to meet you and work with you today.*

Are there any questions or concerns that we have not addressed? I will follow up with you about that.

Facilitator Note: Participants may have personal situations to follow up with individually.

CONCLUSION (Slide 15)

It might sound like: *Thank you so much for your hard work and commitment to helping students deal with bullying. Great job!*

Links to the DASA Resources on the NYSED Website:

New York State Education Department (NYSED) created three handouts for parents available in English and translated into 11 languages on NYSED’s website page titled, [*Dignity for All Students Act \(DASA\) Translated Resources.*](#)

This workshop uses NYSED’s sample “Incident Reporting Form.” You can use these direct links to this sample reporting form: [*English PDF*](#) [*Karen PDF*](#) [*Spanish PDF*](#)

For Burmese, TASC’s older sample reporting form in Burmese and English can be downloaded from the NYS-MEP Website.

DASA Legislation

N.Y. Education Law 10 – Legislative Intent

The legislature finds that students’ ability to learn and to meet high academic standards, and a school’s ability to educate its students, are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation. It is hereby declared to be the policy of the state to afford all students in public schools an environment free of discrimination and harassment. The purpose of this article is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school’s educational mission.

N.Y. Education Law 11 – Definitions

For the purposes of this article, the following terms shall have the following meanings:

1. “School property” shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.
2. “School function” shall mean a school-sponsored extra-curricular event or activity.
3. “Disability” shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law.
4. “Employee” shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.
5. “Sexual orientation” shall mean actual or perceived heterosexuality, homosexuality or bisexuality.
6. “Gender” shall mean actual or perceived sex and shall include a person’s gender identity or expression.
7. “Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) 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; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying 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 or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

8. “Cyberbullying” shall mean harassment or bullying as defined in subdivision seven of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication.

N.Y. Education Law 12 – Discrimination and Harassment Prohibited

1. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.
2. An age-appropriate version of the policy outlined in subdivision one of this section, written in plain-language, shall be included in the code of conduct adopted by boards of education and the trustees or sole trustee pursuant to section twenty-eight hundred one of this chapter and a summary of such policy shall be included in any summaries required by such section twenty-eight hundred one.

N.Y. Education Law 13 – Policies and Guidelines

The board of education and the trustees or sole trustee of every school district shall create policies, procedures and guidelines that shall include, but not be limited to Terms Used in N.Y. Education Law 13 (trustee: A person or institution holding and administering property in trust.)

1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which:

- a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying and discrimination;
- b. enable students and parents to make an oral or written report of harassment, bullying or discrimination to teachers, administrators and other school personnel that the school district deems appropriate;
- c. require school employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and to file a written report with the principal, superintendent or the principal or superintendent's designee not later than two school days after making such oral report;
- d. require the principal, superintendent or the principal's or superintendent's designee to lead or supervise the thorough investigation of all reports of harassment, bullying and discrimination, and to ensure that such investigation is completed promptly after receipt of any written reports made under this section;
- e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section;
- f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination;
- g. include a school strategy to prevent harassment, bullying and discrimination;
- h. require the principal to make a regular report on data and trends related to harassment, bullying and discrimination to the superintendent;
- i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying or discrimination constitutes criminal conduct;
- j. include appropriate references to the provisions of the school district's code of conduct adopted pursuant to section twenty-eight hundred one of this chapter that are relevant to harassment, bullying and discrimination;

- k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents;
 - l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists;
2. Guidelines to be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed:
 - a. to raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and
 - b. to enable employees to prevent and respond to harassment, bullying and discrimination; and
3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school 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; and
4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct; and
5. Training required by this section shall address the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not 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 or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

N.Y. Education Law 14 – Commissioner’s Responsibilities

The commissioner shall:

1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing harassment, bullying and discrimination and to fostering an environment in every school where all children can learn free of manifestations of bias;
2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section;
3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education and provide guidance related to the application of regulations; and
4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function.
5. The commissioner shall prescribe regulations that school professionals applying on or after December thirty-first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not 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 or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

N.Y. Education Law 15 – Reporting by Commissioner

The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the

department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.

N.Y. Education Law 16 – Protection of People Who Report Harassment, Bullying or Discrimination

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall 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, and no school district or employee shall take, request or cause a 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.

N.Y. Education Law 17 – Application

Nothing in this article shall:

1. Apply to private, religious or denominational educational institutions; or
2. Preclude or limit any right or cause of action provided under any local, state or federal ordinance, law or regulation including but not limited to any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

N.Y. Education Law 18 – Severability and Construction

The provisions of this article shall be severable, and if any court of competent jurisdiction declares any phrase, clause, sentence or provision of this article to be invalid, or its applicability to any government agency, person or circumstance is declared invalid, the remainder of this article and its relevant applicability shall not be affected. The provisions of this article shall be liberally construed to give effect to the purposes thereof.