

Dignity for All Students

The Act defines harassment as creating a hostile environment that unreasonably and substantially interferes with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being, or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety.

The bill prohibits harassment and discrimination of students with respect to certain non-exclusive protected classes, including, but not limited to, a student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

This Act requires school districts to adopt policies to create a school environment free from harassment and discrimination. School districts must also adopt guidelines for school training programs that raise awareness and sensitivity of school employees to these issues and enables them to respond appropriately. Schools must designate at least one staff member in each school to be trained in non-discriminatory instructional and counseling.

Submitted as:

New York

[Chapter 482 of 2010](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as the “Dignity for All Students.”

2

3 Section 2. [*Legislative Intent.*] The [legislature] finds that students’ ability to learn and to
4 meet high academic standards, and a school’s ability to educate its students, are compromised by
5 incidents of discrimination or harassment including bullying, taunting or intimidation. It is
6 hereby declared to be the policy of the state to afford all students in public schools an
7 environment free of discrimination and harassment. The purpose of this Act is to foster civility in
8 public schools and to prevent and prohibit conduct which is inconsistent with a school’s
9 educational mission.

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11 Section 3. [*Definitions.*] As used in this Act, the following terms shall have the following
12 meanings:

13 1. “School property” shall mean in or within any building, structure, athletic playing
14 field, playground, parking lot, or land contained within the real property boundary line of a
15 public elementary or secondary school; or in or on a school bus, as defined in [insert citation].

16 2. “School function” shall mean a school-sponsored extra-curricular event or activity.

17 3. “Disability” shall mean disability as defined in [insert citation].

18 4. “Employee” shall mean employee as defined in [insert citation].

19 5. “Sexual orientation” shall mean actual or perceived heterosexuality, homosexuality or
20 bisexuality.

21 6. “Gender” shall mean actual or perceived sex and shall include a person’s gender
22 identity or expression.

23 7. “Harassment” shall mean the creation of a hostile environment by conduct or by verbal
24 threats, intimidation or abuse that has or would have the effect of unreasonably and substantially
25 interfering with a student’s educational performance, opportunities or benefits, or mental,
26 emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that
27 reasonably causes or would reasonably be expected to cause a student to fear for their physical
28 safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct,
29 verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight,
30 national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or
31 sex.

32
33 Section 4. [*Discrimination and Harassment Prohibited.*]

34 (A) No student shall be subjected to harassment by employees or students on school
35 property or at a school function; nor shall any student be subjected to discrimination based on a
36 person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious
37 practice, disability, sexual orientation, gender, or sex by school employees or students on school
38 property or at a school function. Nothing in this subdivision shall be construed to prohibit a
39 denial of admission into, or exclusion from, a course of instruction based on a person’s gender
40 that would be permissible under [insert citation] and Title IX of the Education Amendments of
41 1972 (20 U.S.C. Section 1681, et. seq.), or to prohibit, as discrimination based on disability,
42 actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

43 (B) An age-appropriate version of the policy outlined in subdivision (A) of this section,
44 written in plain-language, shall be included in the code of conduct adopted by boards of
45 education and the trustees or sole trustee pursuant to [insert citation] and a summary of such
46 policy shall be included in any summaries required by [insert citation].

47
48 Section 5. [*Policies and Guidelines.*] The board of education and the trustees or sole
49 trustee of every school district shall create policies and guidelines that shall include, but not be
50 limited to:

- 51 1. Policies intended to create a school environment that is free from discrimination or
52 harassment;
- 53 2. Guidelines to be used in school training programs to discourage the development of
54 discrimination or harassment and that are designed to raise the awareness and sensitivity of
55 school employees to potential discrimination or harassment, and to enable employees to prevent
56 and respond to discrimination or harassment; and
- 57 3. Guidelines relating to the development of nondiscriminatory instructional and
58 counseling methods, and requiring that at least [one] staff member at every school be thoroughly
59 trained to handle human relations in the areas of race, color, weight, national origin, ethnic
60 group, religion, religious practice, disability, sexual orientation, gender, and sex.

61
62 Section 6. [*Commissioner’s Responsibilities.*] The [commissioner] shall:

- 63 1. Provide direction, which may include development of model policies and, to the extent
64 possible, direct services, to school districts about preventing discrimination and harassment and
65 that foster an environment in every school where all children can learn free of manifestations of
66 bias;
- 67 2. Provide grants, from funds appropriated for such purpose, to local school districts to
68 help the districts implement the guidelines set forth in this section; and
- 69 3. Promulgate regulations to help school districts implement this Act including, but not
70 limited to, regulations to help school districts develop measured, balanced, and age-appropriate

71 responses to violations of this policy, with remedies and procedures focusing on intervention and
72 education.

73
74 Section 7. [*Reporting by Commissioner.*] The [commissioner] shall create a procedure
75 under which material incidents of discrimination and harassment on school grounds or at a
76 school function are reported to the [department] at least on an [annual] basis. Such procedure
77 shall provide that such reports shall, wherever possible, also delineate the specific nature of such
78 incidents of discrimination or harassment, provided that the [commissioner] may comply with
79 the requirements of this section through use of the existing [uniform violent incident reporting
80 system]. In addition the [department] may conduct research or undertake studies to determine
81 compliance throughout the state with the provisions of this Act.

82
83 Section 8. [*Protection of People Who Report Discrimination or Harassment.*] Any person
84 having reasonable cause to suspect that a student has been subjected to discrimination or
85 harassment by an employee or student, on school grounds or at a school function, who, acting
86 reasonably and in good faith, either reports such information to school officials, to the
87 [commissioner], or to law enforcement authorities or otherwise initiates, testifies, participates or
88 assists in any formal or informal proceedings under this Act, shall have immunity from any civil
89 liability that may arise from the making of such report or from initiating, testifying, participating
90 or assisting in such formal or informal proceedings, and no school district or employee shall
91 take, request or cause a retaliatory action against any such person who, acting reasonably and in
92 good faith, either makes such a report or initiates, testifies, participates or assists in such formal
93 or informal proceedings.

94
95 Section 9. [*Instruction in Civility, Citizenship and Character Education.*] The [regents]
96 shall ensure that [a] course of instruction in grades kindergarten through twelve includes a
97 component on civility, citizenship and character education. Such component shall instruct
98 students about the principles of honesty, tolerance, personal responsibility, respect for others,
99 observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of
100 their experiences in, and contributions to, the community. The [regents] shall determine how to
101 incorporate such component in existing curricula and the [commissioner] shall promulgate any
102 regulations needed to carry out such determination of the [regents]. For the purposes of this
103 section, “tolerance,” “respect for others” and “dignity” shall include awareness and sensitivity to
104 discrimination or harassment and civility in the relations of people of different races, weights,
105 national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual
106 orientations, genders, and sexes.

107
108 Section 10. [*Application.*] Nothing in this Act shall apply to private, religious or
109 denominational educational institutions or preclude or limit any right or cause of action provided
110 under any local, state or federal ordinance, law or regulation including but not limited to any
111 remedies or rights available under the Individuals With Disabilities Education Act, Title VII of
112 the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973 or the Americans
113 with Disabilities Act of 1990.

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115 Section 11. [*Severability.*] [Insert severability clause.]

116
117 Section 12. [*Repealer.*] [Insert repealer clause.]

118
119 Section 13. [*Effective Date.*] [Insert effective date.]