Amendment to the Commissioner's Regulations §100.2 (kk)

Regarding Reports of Incidents of Harassment, Bullying and/or Discrimination

pursuant to the

Dignity for All Students Act









DASA Timeline

2013

Guidance

Document
"Promising
Practices Guide
for School
Administrators
into law.
9/13/10
Document
"Promising
Practices Guide
for School
Administrators
and Faculty 2.0".
Released 12/13

2015

Guidance Document:

"Creating Safe and
Supportive School
Environments for
Transgender and
Gender
Nonconforming
Students".
Released 7/15

2017

• NYSED and the Office of the Attorney General joint letter objecting to the federal decision to rescind guidance that clarified federal legal protections for transgender students.

Issued 2/17

- NYSED letter
 "Available
 Guidance and
 Resources to
 Combat
 Harassment,
 Bullying and
 Discrimination in
 Schools in Light of
 Recent
 Immigrationrelated Actions".
 Issued 2/17
- Office of the State
 Comptroller audit
 report
 "Implementation of
 the Dignity for All
 Students Act". Report
 recommended
 additional guidance
 and training in the
 area of identifying,
 documenting,
 investigating, and
 reporting DASA
 incidents. Issued 10/17

DASA law becomes effective. 7/1/12

2012

DASA
Amendment to
include
cyberbullying.
Effective 7/1/13

2013

NYSED and the Office
of the Attorney
General joint
memorandum
"Dignity for All
Students Act: Results
of Statewide School
District Survey and
Guidance on
Implementation".
Issued 8/16

 NYSED and the Office of the Attorney General joint letter reminding schools that New York state protects transgender students.
 Issued 2/18 Amendment to Commissioner's Regulation 100.2 (kk) regarding reports of incidents of harassment, bullying and/or discrimination pursuant to DASA. Enacted 5/18

2018





May 2018: The following amendment was approved

The Board of Regents amended §100.2(kk)(1) of the Commissioner's Regulations to add a new subparagraph (x) to include illustrative examples of the types of incidents of harassment, bullying

and/or discrimination which must be reported and investigated as possible violations of DASA.





Illustrative examples of incidents to be reported and investigated as possible violations of DASA

- A report regarding the denial of access to school facilities, functions, opportunities or programs
- A report regarding application of a dress code, specific grooming or appearance standards
- A report regarding the use of name(s) and pronoun(s) or the pronunciation of name(s)
- A report regarding any other form of harassment, bullying and/or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex.





The amendment includes illustrative examples of the types of incidents that should be reported and investigated

to include,
but not be limited to,
the following examples:





Example #1:



A report regarding the denial of access to school facilities, functions, opportunities or programs including, but not limited to, restrooms, changing rooms, locker rooms, and/or field trips, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex; or





Example #2:

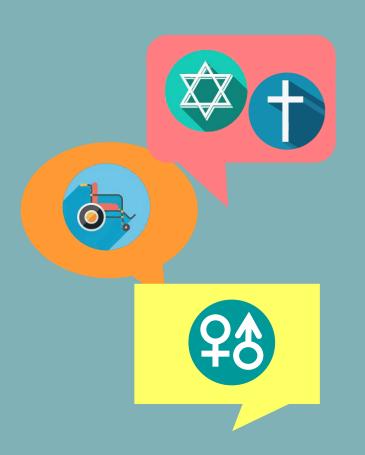


A report regarding application of a dress code, specific grooming or appearance standards that is based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex; or





Example #3:



A report regarding the use of name(s) and pronoun(s) or the pronunciation of name(s) that is based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex; or





Example #4:



A report regarding any other form of harassment, bullying, and/or discrimination, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex.





Bias-related Categories from the NYSED School Safety and Educational Climate (SSEC) Glossary

Based on the following:

- ✓ 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.)



Next steps

 \checkmark Approved as an emergency rule by the Board of Regents on May 8, 2018

 \checkmark Public comment period for 60 days from May 23 — July 23, 2018

The Board of Regents are reviewing submitted comments and will make a determination about permanent adoption which would be effective on







For more information

For more information on the Dignity for All Students Act please visit NYSED:

http://www.pl2.nyse
d.gov/dignityact/

For more information on the amendment to Section 100.2(kk)(1) of the Commissioner's Regulations please visit: https://www.regents.nysed.gov/common/regents/files/518p12a4.pdf





To access further information:

Guidance to School Districts for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students (July 2015):

http://www.p12.nysed.gov/dignityact/documents/Transg GNCGuidanceFINAL.pdf

Dignity for All Students
Act: Results of Statewide
School District Survey and
Guidance on
Implementation
(August 2016):

http://www.p12.nysed.gov/dignityact/documents/SEDAGLttrandGuidance8-31-16.pdf

Resources and Promising Practices Guide for School Administrators and Faculty (2017):

http://www.p12.nysed.gov/dignit yact/documents/FINALDignityFor AllStudentsActGuidanceDec2017. pdf

NY Attorney General And State Education Commissioner Elia Issue Reminder That New York State Protects Transgender Students (February 2017):

http://www.nysed.gov/news/2017/ag-schneiderman-and-state-education-commissioner-elia-issue-reminder-new-york-state

(February 2018):

http://www.nysed.gov/common/ nysed/files/nysed-oag-jointguidance-letter-2-28-18.pdf

If you have questions,

NYSED Student Support Services 518-486-6090

www.p12.nysed.gov/sss/

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New York State
Center for School
Safety
844-509-7161

www.nyscfss.org

