

Dignity for All Students Act

Frequently Asked Questions for Parents & Guardians

The Dignity for All Students Act is a New York state law that intends to create a learning environment for ALL students that is free from discrimination, intimidation, taunting, harassment, and bullying (including cyberbullying).

The law states that no student shall be subjected to discrimination, harassment, or bullying (including cyberbullying) by employees or students on school property, off school property at a school function, electronically, or when the act may create a risk of substantial disruption at school.

The Dignity Act provides general guidelines for schools and districts. Your district is required to develop specific policies and procedures for the Dignity Act that can be found on the district website.

General information about the Dignity Act can be found in the [Dignity Act Information Guide](#).

To read the legislation (law), please follow this link: [NYS Open Legislation | NYSenate.gov](#)

Note: The term “parent/guardian” in this document includes any adult who provides care for a child. This includes a biological or adoptive parent, guardian, legal custodian, or caregiver.

1. My child came home from school upset because they were teased. Is this covered by the Dignity Act?

It might be. It is important to learn as much as possible about the situation so that you can support your child and, if necessary, provide information to the school about the incident.

A child should never feel they are not safe at school, or that is not safe for them to participate in school-related activities. Encourage your child to describe exactly what happened and how it affected them. Some questions you might ask to better understand the situation:

- Could you please describe what happened?
- Do you know who was involved?
- How long has this been happening, or has this happened before?
- Were you able to talk to any adults at school about the situation?
- How did it make you feel?

Once you have information about the incident, it is helpful to understand how harassment and bullying are defined in the Dignity Act.

The terms “harassment” and “bullying” are defined as creating a hostile environment by conduct (actions) or by threats, intimidation, or abuse, including cyberbullying which:

- a. Has or would have the effect of unreasonably and substantially interfering with a student’s:
 - Educational performance,
 - Opportunities or benefits,
 - Mental, emotional or
 - Physical well-being.
- b. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;
- 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.

Some important clarifications:

- The terms “threats, intimidation or abuse” include both verbal and non-verbal actions.
- The Dignity for **All** Students Act protects **ALL** students. Harassment and bullying include, **but are not limited to**, 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.

If you feel the situation is harassment or bullying, you can **report the incident to your school**. **Anyone** concerned about an incident can report the incident to the school. This includes, but is not limited to, parents & guardians, students, or staff members.

2. I want to report an incident. Who should I contact?

Incidents of bullying, harassment, cyberbullying, or discrimination are reported to the Dignity Act Coordinator at the school where the incident occurred.

Note: The term “report” applies to two situations in the Dignity Act:

1. Making a report about an incident to the Dignity Act Coordinator at the school; and
2. A school submitting an annual report to the New York State Education Department on the total number of material incidents that occurred during the school year.

For these FAQs, we will provide information about **reporting an incident of harassment, bullying, cyberbullying, or discrimination to the Dignity Act Coordinator at the school**.

Your school district must have a Dignity Act policy that outlines how to report the incident to your school. The policy should include the name of the Dignity Act Coordinator(s) in your child's school, and how you can make a verbal and/or a written report. Their name should be available on your school website, in your district Code of Conduct, and can also be provided to you if you call the school.

If you are unable to find the name of your Dignity Act Coordinator, you can contact any school staff, including the school principal, to report the incident.

Anyone concerned about an incident can report the incident to the school. The report can be made verbally or by completing a Dignity Act complaint form.

Once the report has been submitted, the Dignity Act Coordinator will lead or supervise an investigation and ensure that the investigation is completed promptly.

3. I want to report an incident, but I cannot find a Dignity Act complaint form on my school or district website. How do I report the incident?

Your school district policy should include the name and contact information of the Dignity Act Coordinator(s) in your child's school and a *complaint form* that you can use to report the incident to the school.

If the form is not available, you can request it from the Dignity Act Coordinator or from the school's main office. In addition, the New York State Education Department (NYSED) and the NYS Center for School Safety have developed a Sample Dignity Act Complaint Form for reporting an incident that you can submit to the Dignity Act Coordinator at your child's school.

Click on the link to view and/or download the Sample Dignity Act Complaint Form:

[PART 1 Sample Dignity Act Complaint Form](#)

When you report the incident, we encourage you to include your child's response to the incident, your concerns, and your contact information. Only one complaint form needs to be completed per incident.

4. What happens after I report an incident of bullying, harassment, cyberbullying, or discrimination to the school?

After an incident is reported to the Dignity Act Coordinator (DAC) at the school where the incident happened, the DAC will lead or supervise an investigation of the incident. The Dignity Act legislation provides general guidelines for schools and districts, but your district is required to develop specific policies and procedures for the Dignity Act that can be found on your district website.

The process and timelines for the investigation will be specific to your district. Your school's DAC as well as the school administration, should be able to share with you the general procedure and processes for investigating a Dignity Act complaint.

Informing parents and guardians about the investigation is also a district and school level decision. We encourage you to work with your school to understand their Dignity Act policies and procedures and to ask questions about any part of the process that you do not understand. Some example questions you might ask the Dignity Act Coordinator about the investigation process:

- Who will conduct the investigation?
- When will the investigation be completed?
- How will you document the investigation, and will I receive copies of any notes?
- When will you contact me with an update?
- How will the school provide support to my child, so they are safe and feel safe in school? (Examples are provided in questions 6 and 7 below).

5. What will happen during the investigation?

Once a complaint is reported, the Dignity Act Coordinator (DAC) at your child's school will lead or supervise a thorough investigation of all reports of harassment, bullying, cyberbullying, and/or discrimination and they will ensure that the investigation is completed.

The DAC may interview your child, other students, teachers, parents/guardians, and other school staff. They may review social media posts, and otherwise gather information about what happened and the impact of the incident. The process and timelines for the investigation will be specific to your district.

The investigation will seek to learn more about the incident and to determine if the incident is considered a "material incident of harassment, bullying, cyberbullying, and/or discrimination."

A *material incident* is defined as a single verified incident or a series of related verified incidents where a child is subjected to harassment, bullying, cyberbullying, and/or discrimination by a child and/or employee on school property, at a school function, or occur off school property (where it creates or would foreseeably create a risk of substantial disruption within the school environment, or where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property).

If it is determined that an incident is not a material incident, it **does not mean the incident did not occur**. This is a common misunderstanding. All students deserve to feel safe and supported in their school environment and there are action steps that can be taken to ensure your student's safety *regardless of the outcome of an investigation*.

6. What are schools required to do to respond to harassment, bullying, cyberbullying, and discrimination?

Your district Code of Conduct should include information about the district's specific policies and procedures for responding to verified incidents. When an investigation reveals a verified incident of harassment, bullying, cyberbullying, and/or discrimination, the school is required to take prompt action(s) that is consistent with their Code of Conduct to:

- end the harassment, bullying and 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(s) against whom harassment, bullying or discrimination was directed.

The school must also work to prohibit retaliation against any individual who reports or assists in the investigation of harassment, bullying, cyberbullying, or discrimination.

Please note that the steps mentioned above are intended to help your child be safe and feel safe at school. These actions are very different than a disciplinary response for the student(s) who caused the incident. As a parent or guardian, you may feel that the other student(s) should be disciplined, so we encourage you to review your district Code of Conduct to understand how your school may address the situation.

The Dignity Act requires that districts use a progressive model of responses that include measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior the developmental age of the student, the previous disciplinary record of the student, other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. The school's response must be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline must also be consistent with the other provisions of their code of conduct.

NYSED and the NYS Center for School Safety developed sample forms for the entire process of reporting, investigating, and responding to incidents. These forms are not mandatory but can be used to collaborate with the school to create a safe environment for your child (even if the incident is determined to be a material incident).

Click on the links to view or download the sample Dignity Act forms:

[PART 2 Sample Protocol for Dignity Act Incident Investigation](#)

[PART 3 Sample Incident Verification and Parent Notification](#)

[PART 4 Sample Targeted Student Action Plan Template](#)

[PART 5 Sample Strategies for Working with Students who Bully](#)

At the end of the school year, the total number of material Dignity Act incidents are reported to NYSED through the [School Safety and the Educational Climate](#) reporting form. Individual complaint forms or investigative notes are not submitted to NYSED.

7. How can I help my child be safe and feel safe at school?

Throughout the Dignity Act process - regardless of whether the incident meets the criteria as a material incident of harassment, bullying, cyberbullying, or discrimination - we encourage you to work collaboratively with your school's Dignity Act Coordinator, administration, teachers, and school-based mental health staff to support your child, so they are safe and feel safe at school.

The sample forms developed by NYSED and the NYS Center for School Safety include some ideas for responding to incidents. These forms are not mandatory but can be used to help you collaborate with the school to create a safe environment for your child.

Click on the links to view and/or download the sample Dignity Act forms:

[PART 4 Sample Targeted Student Action Plan Template](#)

[PART 5 Sample Strategies for Working with Students who Bully](#)

Below are some suggested steps that are included in the Sample Targeted Student Action Plan. You can work with the school to customize a plan that will help your child be safe and feel safe at school:

- Staff will be informed about indicators of possible future incidents involving this student, and what they can look for that might indicate an incident has occurred.
- Staff Name: _____ will be designated as the student's primary point of contact (trusted adult).
- Staff Name: _____ will be visible in the hall and will monitor the student during all passing times.
- Staff Name: _____ is designated as the student's recess contact and will be visible and available during recess.

- Staff Name: _____ is designated as the student's lunchroom/cafeteria contact and will be visible and available during lunch.
- Check in time: The student will visit with _____ (i.e., teacher, the school counselor, nurse, principal, AP) daily at an agreed upon time to ensure that the plan is working. If the student does not or cannot visit this person at that time, the designated person will locate and check-in with the student.
- The school will immediately report any harassment, discrimination, bullying, or cyberbullying to the student's parents/persons in parental relation.
- The student will share all passwords and will 'friend' his/her parents on all social networking sites so that they can monitor for any adverse online experiences.
(**Note:** The student will not 'friend' teachers or other school staff.)

For additional information on how to address bullying please see:

- **Bullying Prevention Resources for Parents**
<https://www.nyscfss.org/bullying-prevention>
- **What You Can Do – Parents**
<https://www.stopbullying.gov/resources/what-you-can-do>
- **Support the Kids Involved**
<https://www.stopbullying.gov/prevention/support-kids-involved#support>

8. My child is being bullied at school. I have spoken with the staff at the school, and I feel they have not done enough to support my child. What can I do?

Throughout this process, and regardless of whether the incident meets the criteria as a material incident, we encourage you to collaborate with your school's administration, teachers, and school-based mental health staff to create a plan that can help your child be safe and feel safe at school. We encourage you to meet with school staff to explain the impact of the incident on your child, and to collaborate with them to create a plan that is specific for supporting your child.

We know that you may have many emotions around the situation. It is important to focus those emotions on working with the school staff to develop a plan to support your child.

If you have followed the school's procedures and worked with the Dignity Act Coordinator at your child's school but feel that your child is not receiving enough support, then it might be time to take your concerns to the next level.

You should bring your concerns to each level of contact, then proceed to the next level if not satisfied:

1. Dignity Act Coordinator (DAC)
2. School Principal
3. District Superintendent
4. Written complaint to the District's Board of Education
5. Appeals to the NYS Commissioner of Education

<http://www.counsel.nysed.gov/appeals>

Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education for a review of such action.

A §310 appeal must be initiated within 30 days of the decision or action complained of, unless the delay is excused by the Commissioner for good cause shown in the petition.

For more information on the Appeal process, please follow the link on the New York State Education Department website:

<http://www.counsel.nysed.gov/appeals>

It is very important that you don't skip any steps and keep written documentation of any correspondence. *Please note, the Appeal to the NYS Commissioner of Education can be a lengthy process.*

After following the steps above, other options you may consider:

- New York State Attorney General's Office, Civil Rights Bureau
(212) 416-8250, civil.rights@ag.ny.gov , <http://www.ag.ny.gov>
- New York State Division of Human Rights
<https://dhr.ny.gov/complaint>

It is important to note that The NYS Center for School Safety and NYSED can provide information and resources to support you as you navigate the process, but we do not receive or investigate complaints or reports about incidents of bullying, harassment, cyberbullying, or discrimination.

If you would like additional information or resources, please feel free to contact us or visit our "Parent Information" webpage at <https://www.nyscfss.org/parent-information>.

If you have questions about this process, you can contact the NYSED Office of Student Support Services at SSEC@nysed.gov or <http://www.p12.nysed.gov/dignityact/>.