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

Effective May 2018

New York State Center for School Safety

NYS ED .gov

DASA Timeline

2010

Dignity for All Students Act (DASA) signed into law.
9/13/10

DASA law becomes effective.
7/1/12

2012

2013

Guidance Document *"Promising Practices Guide for School Administrators and Faculty 2.0"*.
Released 12/13

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

2013

2015

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

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

2016

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 Immigration-related 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

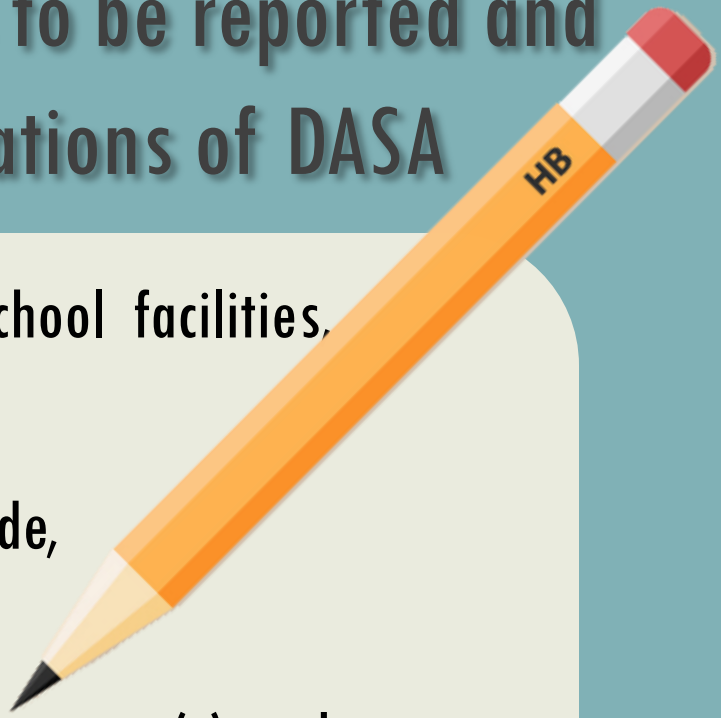
2018

- 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

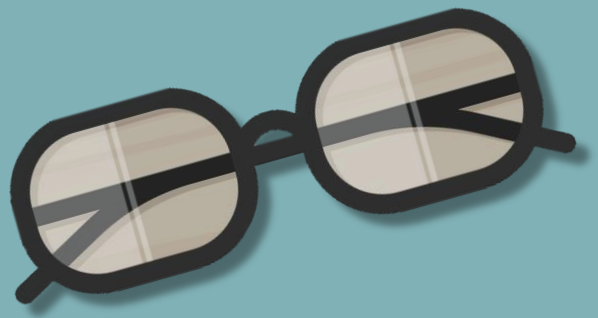
May 2018: The following amendment was approved

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.)

Glossary of Terms http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/glossary201718.html

Next steps

- ✓ Approved as an emergency rule by the Board of Regents on May 8, 2018
- ✓ 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 October 3, 2018

For more information

For more information on the Dignity for All Students Act please visit NYSED: http://www.p12.nysed.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/SED-AGLttrandGuidance8-31-16.pdf

Resources and Promising Practices Guide for School Administrators and Faculty (2017):
http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.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-joint-guidance-letter-2-28-18.pdf

If you have questions,

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Thank you!