

Dignity Act Basics

1. What is the Dignity for All Students Act?

The Dignity for All Students Act (Dignity Act) was signed into law by Governor David A. Paterson on September 13, 2010. This legislation amended New York State Education Law by creating a new Article 2 – *Dignity for All Students*. The intent of the Dignity Act is to provide all public school students with an environment free from discrimination and harassment, including bullying, taunting or intimidation, as well as to foster civility in public schools.

As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability,, sexual orientation, gender (including gender identity or expression), and sex.

The Dignity Act further amended Education Law §2801 to require school districts and boards of cooperative educational services (BOCES) to include in their codes of conduct language that complies with Article 2. Charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h), or, if applicable, in their codes of conduct, language that complies with Article 2.

2. When does the Dignity Act take effect?

The Dignity Act takes effect on July 1, 2012.

3. How does the Dignity Act relate to the teacher annual professional performance review (APPR) process?

As part of a teacher's annual professional performance review (APPR), all teaching standards must be assessed at least once a year. One of these teaching standards is New York State Teaching Standard #4 (Standard #4): The Learning Environment, which addresses the critical importance of creating a respectful, safe and supportive environment; creating an intellectually stimulating environment; managing the learning environment; and organizing and utilizing available resources. These tenets are also key to the effective implementation of the Dignity Act.

Performance indicators associated with Standard #4 include, but are not limited to,

- Teachers are caring and respectful in their interactions with students.
- Teachers embrace student diversity as an asset in the classroom.
- Students exhibit respectful classroom interactions.
- Teachers know and implement policies and procedures to ensure student safety.

<http://engageny.org/resource/new-york-state-teaching-standards>

4. How does the Dignity Act relate to the Interstate School Leaders Licensure Consortium (ISLLC) Standards for School Leaders and effective principal practice?

The six ISLLC Standards include:

- I. Setting a widely shared vision for learning;
- II. Developing a school culture and instructional program conducive to student learning and staff professional growth;
- III. Ensuring effective management of the organization, operation, and resources for a safe, efficient, and effective learning environment;
- IV. Collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources;
- V. Acting with integrity, fairness, and in an ethical manner; and
- VI. Understanding, responding to, and influencing the political, social, legal, and cultural contexts.

These ISLLC standards are also key to the implementation of the Dignity Act's intent to provide all public elementary and secondary school students with a safe and supportive learning environment free from discrimination, harassment, bullying, taunting or intimidation and fostering civility in public schools.

http://engageny.org/wp-content/uploads/2012/02/ISLLC-Standards_2008.pdf

5. What kind of conduct or behavior is prohibited by the Dignity Act?

The Dignity Act prohibits harassment against students by students and/or employees on school property, as defined by Education Law §11(1), or at a school function, as defined by Education Law §11(2). For purposes of the Dignity Act, harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that 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 conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression) or sex.

The Dignity Act further prohibits discrimination against students by students and/or employees on school property or at a school function based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender (defined to include gender identity or expression), or sex.

However, the Dignity Act does not prohibit the denial of admission into, or exclusion from, a course of instruction based on a person's gender (including gender identity or expression) that would be permissible under Education Law §§2854(2)(a) and 3201-a and Title IX of the Education Amendments of 1972 (20 USC §1681, et. seq.), or prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

The Dignity Act also creates a framework for promoting a more positive school climate through, among other things, training/professional development and classroom curricula.

6. Who is protected under the Dignity Act?

The Dignity Act protects **all** New York State public school students from discrimination and harassment by students and/or employees on school property or at a school function, not just students who are the subject of discrimination or harassment based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

7. Does the Dignity Act apply to Summer School?

Yes. The Dignity Act applies to Summer School and prohibits the discrimination and harassment of students by students and/or employees on school property or at a school function.

8. What is the relationship between bullying and harassment?

Bullying is a form of harassment.

9. What are the differences between sex, gender, gender identity and expression, and sexual orientation?

Although sex is not specifically defined in the Dignity Act, the World Health Organization has stated that sex refers to the biological and physiological characteristics that define men and women.⁵

The Dignity Act defines gender as a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]). Also, it should be noted, for reference purposes only, that the World Health Organization refers to gender as socially

⁵ See, www.who.int/gender/whatisgender/en

constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.⁶

Gender identity and expression are not specifically defined in the Dignity Act. However, gender identity and expression has been described by the Empire State Pride Agenda as the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns.⁷

The Dignity Act defines sexual orientation as a person's actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]). It should further be noted, for reference purposes only, that the Empire State Pride Agenda refers to sexual orientation as one's romantic and sexual attraction. Gender expression is not in itself any indicator of sexual orientation. Moreover, according to the Empire State Pride Agenda, just like everyone else, gender non-conforming and transgender people may be straight, lesbian, gay, bisexual or asexual.⁸

10. Does the Dignity Act address issues related to cyberbullying and/or conduct that occurs off school property?

The Dignity Act prohibits discrimination and harassment of students on school property, including at school functions, by any student and/or employee. However, harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

Although the Dignity Act does not specifically address cyberbullying, it, like bullying is considered a form of harassment.

For further information, please refer to the Department's Guidance on Bullying and Cyberbullying, at: www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

Districts, BOCES and charter schools, in consultation with their attorneys, can also consider non-punitive options when addressing problematic off-campus behavior. Additionally, districts, BOCES and charter schools should not fail to prevent or address in-school

⁶ See, www.who.int/gender/whatisgender/en/

⁷ See, www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

⁸ See, www.prideagenda.org/Issues-Explained/Transgender-Equality-and-Justice/Quick-Facts.aspx

harassment simply because the involved students are also experiencing harassment outside of school.

11. How does the Dignity Act relate to federal Civil Rights Laws?

From a practical standpoint, in addition to the Dignity Act requirements, districts, BOCES and charter schools should consult with their attorneys to ensure that they are in compliance with federal civil rights laws and regulations enforced by the U.S. Department of Education Office for Civil Rights (OCR), including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, both of which prohibit discrimination on the basis of disability. Although the intent of these federal civil rights statutes and the Dignity Act are related to each other in some ways, their requirements and definitions are separate and distinct from one another. Thus, the Department recommends that districts and BOCES, as well as charter schools, consult with their attorneys in developing their policies to make sure that they align with both state and federal laws and regulatory requirements regarding discrimination and harassment.

The Department further recommends that districts, BOCES and charter schools review federal guidance on discrimination and harassment, including, but not limited to OCR's [Dear Colleague Letter regarding harassment and bullying](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html) (October 26, 2010), which can be found at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html

12. What types of schools must comply with the Dignity Act?

Title I, Article 2 of the Education Law (the Dignity Act) applies to districts, BOCES and charter schools. As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex.

Board of Education, Trustees or Sole Trustee Dignity Act Responsibilities

1. What are the Board of Education's, Trustees' or Sole Trustee's of every school district responsibilities to ensure compliance with the Dignity Act?

Dignity Act Code of Conduct Requirements - Education Law §12(2), requires the board of education and the trustee or sole trustee of every school district to include an age-appropriate version, written in plain-language, of Education Law §12(1)'s policy prohibiting

the discrimination and harassment of students by students and/or employees on school property or at a school function in the codes of conduct they adopt, as well in the codes of conduct summary that they are required to prepare, pursuant to Education Law §2801. Also, as stated above, the Dignity Act amended Education Law §2801 to require all codes of conduct to include provisions to comply with the Dignity Act requirements contained in Title I, Article 2 of the Education Law (see Education Law §2801[2][n]).

Charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h), or, if applicable, in their codes of conduct, language that complies with Article 2.

Guidance for updating codes of conduct to comply with the Dignity Act requirements can be found at: <http://www.p12.nysed.gov/dignityact/documents/DASACodeofConductFinal44-1.pdf>

Dignity Act Employee Training and Dignity Act Coordinator Requirements In addition to the aforementioned code of conduct requirements, under Education Law §13, the board of education and the trustee or sole trustee of every school district must create policies and guidelines that include, but are not limited to:

- a. Policies intended to create a school environment that is free from harassment and discrimination.
- b. Guidelines to be used in school training programs to discourage the development of discrimination or harassment and that are designed to: (i) raise the awareness of and sensitivity of employees to potential discrimination or harassment; and (ii) enable employees to prevent and respond to discrimination.
- c. Guidelines relating to the development of nondiscriminatory instructional and counseling methods.

Additionally, Commissioner's Regulation 100.2(jj) requires that boards of education and the trustee or sole trustee of every school district approve the designation of at least one staff member at every school as a Dignity Act Coordinator (DAC), and that the DAC 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 (including gender identity or expression), and sex. It should be noted that the Dignity Act does not require or prescribe a specific format for this training. Districts, BOCES, and charter schools have flexibility in determining how best to deliver it.

2. Are there ongoing responsibilities for boards of education (BOE) after the initial implementation of the Dignity Act?

Yes, the BOE is responsible for the annual review of the code of conduct, and therefore is ultimately responsible for the implementation of the Dignity Act. In addition, as part of its responsibilities, the BOE is responsible for approving the district's professional development plan. The Board should insure that the training requirements under the Dignity Act are either included in that plan, or addressed through some other mechanism.

School Administrator Responsibilities

1. What is the primary role of the school administrator to ensure compliance with the Dignity Act?

As the leader in the school, the administrator should perform a proactive leadership role in implementing adopted district, BOCES or charter school policies and guidelines. This should include, but not be limited to creating and maintaining a visible presence in the school, as well as actively participating in Dignity Act training and outreach programs.

The school administrator should also work as a partner with his or her school's Dignity Act Coordinator to promote a safe and supportive school, including a positive school climate.

The School Dignity Act Coordinator

1. Are districts, BOCES and charter schools required to have a staff member, in each of their schools, trained to handle human relations in the areas specified by the Dignity Act?

Yes. The Dignity Act requires that at least one staff member at every public 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 (including gender identity or expression) (which includes actual or perceived sex and a person's gender (including gender identity or expression), and sex. As stated above, this staff member should be referred to as the Dignity Act Coordinator.

2. What characteristics are recommended for the individual who serves as the school Dignity Act Coordinator?

It is recommended that the employee designated as the Dignity Act Coordinator be an individual who is respected by the school community and whose recommendations and counsel will be valued and heeded by all stakeholders. It is equally important that the individual is someone with whom both students and colleagues feel comfortable speaking regarding the serious and often difficult issues of discrimination and harassment.

3. Do districts, BOCES and charter schools need to hire new employees to serve as Dignity Act Coordinators in their respective schools?

No. There is no requirement that districts, BOCES or charter schools hire new employees to serve as Dignity Act Coordinators in their respective schools. Rather, it is expected that an existing staff member in every school will be designated as a Dignity Act Coordinator and receive the required training to serve in this position.

4. What are the duties of the Dignity Act Coordinator?

The Dignity Act Coordinator is the point person for the Dignity Act in their school. The work of the Dignity Act Coordinator should focus on the premise that no student be harassed or discriminated against due to their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

In addition, the Dignity Act Coordinator should work to ensure that all students are provided with a safe, supportive, and positive school climate. The New York State Board of Regents adopted the voluntary *Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* in July 2011 (www.p12.nysed.gov/sss/sedl/SEDLguidelines.pdf).

The principal intent in issuing Social and Emotional Development and Learning (SEDL) Guidelines was to "offer school districts compelling information, example and evidence of SEDL in elementary and secondary school education programs. This guidance document aims to give New York State school communities a rationale and the confidence to address child and adolescent *affective development* as well as *cognitive development*. By attending to the students' social-emotional brain development and creating conditions where school environments are calmer and safer, teachers can teach more effectively, students learn better, and parents and community can feel pride in a shared enterprise."

5. Does the Dignity Act provide any protection for people who report incidents of discrimination or harassment?

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by a student and/or an employee, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or information proceedings, will 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. Districts, BOCES and charter schools and their respective employees are prohibited from taking, requesting or causing 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 (Education Law §16).

6. Does the Dignity Act apply to an employee who feels he or she has been subjected to discrimination or harassment?

The Dignity Act does not address the discrimination or harassment of employees; it addresses the discrimination and harassment of students by students and/or employees on school property or at a school function.

Responses to Harassment, Discrimination and Bullying

1. What are some of the possible effects of bullying?

According to the StopBullying.gov web site, “bullying can affect everyone—those who are bullied, those who bully, and those who witness bullying. Bullying is linked to many negative outcomes including impacts on mental health, substance use, and suicide. It is important to talk to kids to determine whether bullying—or something else—is a concern.”
www.stopbullying.gov/at-risk/effects/index.html

According to federal StopBullying.gov website, students who are bullied:

- May have higher risk of depression and anxiety, including the following symptoms, that may persist into adulthood:
 - Increased feelings of sadness and loneliness;
 - Changes in sleep and eating patterns; and
 - Loss of interest in activities they use to enjoy.
- May be at risk of suicide.
- May be more likely to have health complaints.
- May have decreased academic achievement and school participation.
- May be more likely to miss, skip, or drop out of school.
- May be more likely to retaliate through extremely violent measures. In 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied.
<http://www.stopbullying.gov/topics/effects/index.html>

2. What can I do to help a student who is being harassed and bullied?

According to the federal StopBullying.gov web site, when adults respond quickly and consistently to bullying behavior they send the message that it is not acceptable. Research shows this can stop bullying behavior over time. In addition to the steps and procedures outlined in the school, district or BOCES policy and/or code, the following are suggestions for steps adults can take to address bullying on the spot and to help keep students safe.

Do:

Intervene immediately. It is okay to get another adult to help.
Separate the children involved.
Make sure everyone is safe.
Meet any immediate medical or mental health needs.
Stay calm. Reassure the children involved, including bystanders.
Model respectful behavior when you intervene.

Avoid these common mistakes:

Don't ignore it. Don't think children can work it out without adult help.
Don't immediately try to sort out the facts.
Don't force other children to say publicly what they saw.
Don't question the children involved in front of other children.
Don't talk to the children involved together, only separately.
Don't make the children involved apologize or patch up relations on the spot.

Get police help or medical attention as appropriate if:

A weapon is involved.

There are threats of serious physical injury.

There are threats of hate-motivated violence, such as racism or homophobia.

There is serious bodily harm.

There is sexual abuse.

Anyone is accused of an illegal act, such as robbery or extortion—using force to get money, property, or services.

<http://www.stopbullying.gov/respond/on-the-spot/index.html>

3. What can I do to support students who witness harassment and bullying?

According to the federal StopBullying.gov web site, even children who are not bullied or do not bully others can be affected by bullying. Often times, when such children observe bullying, they do not know what to do to stop it. They may feel unsafe stepping in during a bullying situation or incident. The following link includes recommendations about steps children can take. www.stopbullying.gov/respond/support-kids-involved/index.html#bystanders

4. What can I do to help students who exhibit harassing or bullying behavior?

According to the federal StopBullying.gov web site:

Parents, school staff, and organizations all have a role to play to here. This includes making sure the child knows what the problem behavior is. Young people who bully must learn their behavior is inappropriate and harms others.

<http://www.stopbullying.gov/respond/on-the-spot/index.html>

Show children that bullying is taken seriously. Calmly tell the child that bullying will not be tolerated. Adults should model respectful behavior when addressing the problem. Work with the child to understand some of the reasons he or she bullied.

For example:

Sometimes children bully to fit in. These children can benefit from participating in positive activities. Involvement in sports and clubs can enable them to take leadership roles and make friends without feeling the need to bully.

Other times children act out because something else—issues at home, abuse, stress—is going on in their lives. They also may have been bullied. These children may be in need of additional support, such as [mental health services](#).

Use consequences to teach. Consequences that involve learning or building empathy can help prevent future bullying. School staff should remember to follow the guidelines in the code of conduct or disciplinary rules and procedures, in the case of charter schools that do not have codes of conduct, and other policies in developing consequences and assigning discipline. For additional information and recommendation on how help students who exhibit harassing or bullying behavior, refer to:

Specific Dignity Act Related Incidents

- 1. If a student is bullied and harassed for reasons such as having an incarcerated parent, where they live, or even their physical appearance – are they protected under the Dignity Act?**

Yes, as long as the student is by being subjected to bullying and harassment by other students and/or employees on school property or at a school function. The intent of the Dignity Act is to provide all public school students with an environment free from discrimination and harassment, including bullying, taunting or intimidation, as well as to foster civility in public schools, regardless of the reason for the bullying and harassing behavior.

Student Instruction

- 1. Is Dignity Act related instruction required for students?**

Yes. The Dignity Act amended Education Law §801-a regarding instruction in civility, citizenship and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders (including gender identities or expressions), and sexes. Thus, curricula in civility, citizenship and character education must include aforementioned expanded concepts of tolerance, respect for others and dignity.

As a result of the Dignity Act, the Board of Regents amended 8 NYCRR 100.2(c) to include classroom instruction for all public school students that supports the development of a school environment free of discrimination and harassment, including but not limited to, instruction that raises awareness and sensitivity to discrimination and harassment based on a person's actual or perceived races, color, weight, national origin, ethnic group, religion, religious practice, disability,, sexual orientation, gender (including gender identity or expression), and sex.

- 2. Does this mean students must attend a "Dignity Act" class?**

No. The intent is that the basic themes of "tolerance," "respect for others," and "dignity" may be integrated throughout the school day, climate, and across various subject areas.

Educators may develop a variety of lessons that incorporate and support the positive nondiscriminatory principles of the Dignity Act, including fostering a safe and supportive school climate and culture. This could potentially be translated into learning activities in,

classes including, but not limited to a physical education class, an English Language Arts class, or even an art class. Educators may want to evaluate current curricula to ensure that these themes are integrated into their classroom materials.

A **voluntary internal** tool is available for districts and BOCES⁹ to use as they work to incorporate the Dignity Act into their lessons and the overall fabric of the school community. See: www.p12.nysed.gov/dignityact/documents/DignityActLessonPlanTemplate_1.pdf.

3. Where can I find resources for incorporating Dignity Act instruction in my classroom?

Please access resources on the Dignity Act web site at: www.p12.nysed.gov/dignityact.

There are also many resources available on the Dignity Act Facebook page at:

www.facebook.com/dignityact.

4. Who can I go to for support at my school?

Dignity Act Coordinators may serve as ideal resources in their respective schools. Also, please look for support on the Dignity Act web site at: www.p12.nysed.gov/dignityact.

5. Will the Department be providing guidance on how best to instruct students in these areas?

A voluntary tool is available on the Dignity Act web site at: www.p12.nysed.gov/dignityact.

Dignity Act Compliance

1. What is my school's responsibility to investigate reports of harassment or bullying?

Once an allegation or report of bullying is made, the school district or BOCES has a responsibility to take appropriate action, which includes investigation and taking necessary steps to protect those involved. All districts and BOCES must adopt and enforce a code of conduct for the maintenance of order on school property and at school functions. The code of conduct must govern the conduct of students, teachers, other school employees and visitors and must include the procedures to be followed in such situations (Education Law §2801[2] and 8 NYCRR §100.2[1][2][i]).

⁹ It should be noted that, while the provisions of Education Law §§10-18 apply to charter schools, the provisions of Education Law §801-a do not, though §100.2(c) of the Commissioner's regulations has been amended to require charter schools to provide instruction that supports development of a school environment free of discrimination as required by the Dignity Act.

It should be noted that charter schools are also required to include in their disciplinary rules and procedures, pursuant to Education Law §2851(2)(h) and, or, if applicable, in their codes of conduct, provisions to comply with the requirements of the Dignity Act (see also, Education Law §§10-18 and 8 NYCRR §119.6). The charter school's disciplinary rules and procedures, or, if applicable, its code of conduct must also include the procedures to be followed in such situations.

2. Whom at the school and school district should my child and/or I contact if they are the target of harassment, discrimination, or bullying?

The following outlines the suggested order in which school officials should be contacted to report such incidents. (NOTE: This may vary from district-to-district and may or may not include the school's Dignity Act Coordinator depending on local policy.)

- School principal
- School District Superintendent
- School District Board of Education

3. What if school district officials fail to respond to a student's (or parent's) report of harassment, discrimination, or bullying? What is his or her recourse?

Individuals may file an appeal with the New York State Commissioner of Education. 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. Education Law §306 allows the Commissioner of Education to remove a trustee, member of a board of education and certain other school officers for willful misconduct or neglect of duty. For more information regarding this appeal process, see:

www.counsel.nysed.gov/appeals.

The Dignity Act and Family Educational Rights and Privacy Act (FERPA)

1. How much information can a school share with regards to the victims and perpetrators of specific incidents of harassment, discrimination or bullying?

FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Generally, schools must have written permission from the parent or eligible student (18 years or older) in order to release any information from a student's education record. FERPA does permit the disclosure of records, without consent, to the following parties or under the following conditions (see 20 USC §1232g, 34 CFR §§99.3 and 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;

- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- Directory information, and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

For more information on FERPA, see: www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

Prior to notification of any parent, guardian, or student regarding any incident of discrimination and/or harassment, school authorities must consider the issue of notification as they would any other educationally relevant decision – considering the age, health, well-being, safety and privacy of any students involved in the incident.