DASA: Resources for Charter Schools

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Why now?

- Increasing scrutiny of all schools, especially charter schools
- Recent release of survey results and training materials by SED
- Opportunity for schools to share policies and processes
Dignity for All Students Act

Requirements for Schools
(Tool for training school employees)
The Dignity for All Students Act (The Dignity Act) was established to protect all students from harassment, bullying and discrimination. It became effective on July 1, 2012 and was amended to include cyberbullying effective July 1, 2013.

DASA prohibits bullying, harassment, discrimination, or cyberbullying against students in school based on:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sexual orientation,
- Gender (including gender identity and expression)
- Sex
- Other (describe)
Definitions

Harassment is defined as the creation of a hostile environment by conduct or verbal threats, intimidation, or abuse that has or would have the following effect:
• reasonably and substantially interfering with a student’s educational performance, opportunities or benefits; or
• would reasonably be expected to cause a student to fear for his or her physical safety.

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.
Definitions

- **Bullying** is described as an unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
- **Bullying** can occur before and after school hours, in a school building, on a playground, on a school bus while a student is traveling to or from school, or on the Internet.
- **Cyberbullying** occurs when harassment or bullying happens through any form of electronic communication.

*Students who are bullied and those who bully others may have serious and lasting problems*
Definitions

According to the United States Department of Education (USDOE), [www.stopbullying.gov/what-is-bullying/definition/index.html](http://www.stopbullying.gov/what-is-bullying/definition/index.html), bullying generally involves the following characteristics:

- **An Imbalance of Power**
- **The Intent to Cause Harm**
- **Repetition**
Comprehensive, systematic efforts
- Positive Behavioral Intervention and Supports (PBIS)
- Social-emotional development and learning
- Progressive consequences [vs. zero tolerance]

Collaborative efforts
- Staff training and clear expectation
- Involve persons in parental relation
- Student involvement
- Partnership with law enforcement and community agencies

Promote Positive Climate

Prevention... Starts Long Before an Incident Occurs
Dignity for All Students Act

Dignity Act Components

• Policy
• Dignity Act Coordinator
• Instruction for students
  • Civility, citizenship, and character education to address prohibition of harassment, bullying, or intimidation, including cyberbullying
• School employee training
• School employee reporting
• Annual reporting
District and School Response to DASA
• Provide students, staff, and persons in parental relation with information about DASA, including the identity of the DASA Coordinator;

• Information is provided in languages other than English when necessary; and

• Policies, procedures, and guidelines that require a school environment free from harassment, bullying, discrimination, and cyberbullying.
Schools need to:

- Develop a school strategy to prevent harassment, bullying, and discrimination;
- Identify administrative designee to receive reports;
- Enable students and persons in parental relation to make a report;
- Require school personnel to notify an administrator of report within one day and file a written report no later than two days after original report;
School District Policies

- Require a thorough investigation be completed promptly after report;
- Require the school to take prompt action to end harassment, bullying, and/or discrimination;
- Prohibit retaliation against anyone making a report or assisting with the investigation;
- Require school leader to regularly report data trends to superintendent;
- Require school leaders to notify local law enforcement when behavior is believed to constitute criminal conduct;
School District Policies

• Require that all school personnel receive a copy of the district **policies**, including the **reporting process**, at least annually; and

• Ensure that the district’s **policies and procedures**, including an incident report form, are posted on the district’s website.
SAMPLE for District Adaptation

NOTE: This form is being provided for informational purposes only and is intended to be illustrative rather than exhaustive. Districts, RCOEs, and charter schools are advised to consult with their attorneys regarding the implementation of the Dignity Act.

The District is committed to providing a safe, supportive environment free from harassment, bullying and discrimination for all students. The District encourages the involvement of staff, students, parents and community members in the implementation and enforcement of the Dignity for All Students Act (“DASA”).

If you believe you, or someone else, has been the target of harassment, bullying, cyber-bullying, and/or discrimination, please use this form to report all allegations.

School district personnel witnessing an incident or receiving a report of an incident must complete and submit the written report within 2 (two) school days. NOTE: School district personnel must also notify the principal, superintendent or their designee no later than one school day after witnessing or receiving a report of an incident.

All complaints will be treated in a confidential manner. Anonymous reports may limit the district’s ability to respond to the complaint. A prompt and thorough investigation will be conducted for all incident reports.

Please complete this form and return it to a school administrator or Dignity Act Coordinator.

SAMPLE DASA Incident Reporting Form
(For District Schools Only)

To be completed by persons reporting the incident (or the person receiving the complaint and/or investigating the incident)

School District: ____________________ School: ____________________

Dignity Act Coordinator: ____________________ Position: ____________________

Today’s date: __________ Name of person reporting incident: ____________________

Role of person reporting incident (Check one)

- Student Target
- Student (witness)
- Parent/Guardian
- Staff Member
- Other: ____________________

Phone: ____________________ Email: ____________________

Name of target: (student being bullied, harassed, or discriminated against)

Name(s) of alleged offender(s): ____________________

Date(s) and time(s) of incident: ____________________

What was your involvement in the incident?

☐ I was directly involved in the incident
☐ I observed the incident
☐ I heard about the incident

Where did the incident happen? (Check all that apply)

☐ On school property
☐ Classroom
☐ Gym
☐ Off school property
☐ Hallway
☐ Locker Room
☐ Electronic Communication
☐ Bathroom
☐ At a school function
☐ Other (describe): ____________________

Type of incident (Check all that apply)

☐ Physical contact (kicking, punching, spitting, tripping, pushing, taking belongings)
☐ Verbal threats (gossip, name-calling, put-downs, teasing, being mean, teasing, making threats)
☐ Psychological (non-verbal actions, spreading rumors, social exclusion, intimidation)
☐ Abuse (actions or statements that put an individual in fear of bodily harm)
☐ Cyberbullying (misusing technology/social media to harass, tease, threaten, post pictures (leering))
☐ Other (describe): ____________________

Who was involved in the incident?

☐ Student
☐ Employee
☐ Both student and employee

Describe the specific nature of the incident. What happened? (Be as specific as possible. What did the alleged offender say or do? Include any copied of text messages, emails, etc. if possible.)

____________________________

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Develop School/District Form

Must include:
✓ Date
✓ Name of student target
✓ Name(s) of aggressor(s)
✓ Name(s) of witnesses/bystanders
✓ Description of incident
✓ Name of reporter (can also be anonymous)

The form must be accessible on the school/district website

Following the completion of the incident report form, a prompt and thorough investigation begins
Reporting

Required to orally report the incident(s) **within one (1) school day** to the principal, superintendent or his/her designee.

Report it **in writing within two (2) school days** after making an oral report.
The Investigation

DASA Coordinator or Administrator typically leads the investigation

- Team approach is recommended to collect information
- School resource officers and mental health professionals also advise and respond

Interview all involved (target, aggressor, witnesses):

- Separately – this is not mediation or conflict resolution
- Use a calm, problem-solving, investigative approach to find out:
  - What exactly was said and done [save evidence, including recordings]
  - Motive/intent (anger, misguided joke, threat of harm to safety)
  - Relationship and past history (one time occurrence or repeated)
  - Impact or perceived impact on school functioning
  - Contact persons in parental relation of all students interviewed
Material Incident

A single incident or series of related incidents

Student is subjected to discrimination and/or harassment by student and/or employee

Creates a hostile environment with or without physical contact and/or by verbal threats, intimidation, or abuse

Severe or pervasive enough to substantially interfere with education, well-being, or fear for physical safety

Mental, emotional, and/or physical well-being

Educational performance, opportunities, or benefits
Consequences are most effective when they directly address the problem and the context.

The most effective approach considers the following:

• Student’s age and developmentally-appropriate conduct
• Specific offense and circumstances of incident
• Student’s prior disciplinary record
• Input from persons in parental relation, teachers, mental health professionals, as appropriate
• Disability status (determine whether behavior is directly related to disability)
Plan for Change

• Plan for change
  - Restorative practices; positive intervention supports

• Provide support to students and persons in parental relation involved
  - Counseling, conflict resolution, mediation

• Take actions to improve school climate
  - Behavioral intervention contract; teach dignity and respect

• Develop/refine school policy
  - Review and revise regularly
Dignity Act Reporting Basics

The method through which schools compile and maintain Dignity Act-related data throughout the school year is a local decision.

The annual Dignity Act reporting is performed using a standardized on-line format provided by NYSED.
Policies and procedures include:

✓ Dignity Act Coordinator reviews incident report forms regularly – at least once per semester; and
✓ Dignity Act Coordinator provides summary data for the semester to the school leader, including the following:
  ➢ Number of incidents reported that semester;
  ➢ Number of cyberbullying incidents reported that semester;
  ➢ Number of reported incidents found to be material; and
  ➢ Type of bias involved in the incidents, if any
✓ School leader reviews and collates summary data from the Dignity Act Coordinator - includes in the principal’s annual report to the Superintendent
✓ District document retention includes report forms and investigative materials
For Additional Information, please visit the following:


Guidance for Local Implementation:

Resource for Promising Practices Guide:
Other Resources

Safe and Supportive Learning:  
https://safesupportivelearning.ed.gov/

Stop Bullying:  
www.stopbullying.gov
Contact Information

NYSED  Office of Student Support Services
518-486-6090


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

www.nyscfss.org
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Questions?