



## **DIGNITY FOR ALL STUDENTS ACT AMENDMENT AMENDED REPORTING REGULATION 100.2(kk)**

The Dignity for All Students Amendments, effective on 7/1/2013, are listed below:

- Bullying, including cyberbullying was added throughout the law.
- “Harassment or bullying” definition was expanded:
  - Includes bullying and cyberbullying.
  - The effect on targeted student now includes emotional harm and physical injury.
  - The location of incidents of harassment, bullying or discrimination now includes off school property.
  - The term “threats, intimidation or abuse” shall include verbal and non-verbal actions.
- “Emotional Harm” definition was added.
- “Material Incident” definition was expanded to include:
  - The word “bullying.”
  - The word “verified” [verified incidents where a student is subjected to harassment, bullying and/or discrimination].
  - That a material incident is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.
- Reporting of incidents to the superintendent, principal or designee is new and includes:
  - School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of harassment, bullying, and/or discrimination shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of harassment, bullying, and/or discrimination, and
  - such school employee shall also file a written report in a manner prescribed by, as applicable, the school district, board of cooperative educational services (BOCES) or charter school with the principal, superintendent, or their designee no later than two school days after making an oral report.
  - The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports made under Education Law section 13.

- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, consistent with the district's code of conduct including but not limited to the provisions of section 100.2(1)(2)(ii)(h),
  - reasonably calculated to end the harassment, bullying, and/or 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 or students against whom such behavior was directed.
- The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- The principal shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the superintendent. For the purpose of this subdivision, the term "regular report" shall mean at least once during each school year, and in a manner prescribed by, as applicable, the school district, BOCES or charter school.
- Reporting of material incidents to the commissioner now includes bullying, including cyberbullying and are the result of the investigation of a written or oral complaint made to, or directly observed by, the superintendent, principal or their designee, or to any other employee.
- Retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.