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**TO:** District Superintendents of BOCES  
Superintendents of Public School Districts Outside NYC  
Principals of Public Schools Outside NYC  
Charter School Leaders

**FROM:** Kathleen R. DeCataldo, Esq. 

**SUBJECT:** Recent Amendments to Commissioner's Regulation 100.2 (kk) (1) Regarding Reports of Incidents of Harassment, Bullying, and/or Discrimination Pursuant to the Dignity for All Students Act.

Commissioner's Regulation §100.2(kk) (1) was amended at the May 2018 Board of Regents meeting to include illustrative examples of the types of incidents of harassment, bullying and/or discrimination which must be reported to the principal, superintendent or designee when reported to or witnessed by a school employee.<sup>1</sup> Specifically, the proposed amendment includes a definition of "report of harassment, bullying, and/or discrimination" **to include, but not be limited to**, the following examples:

- a report regarding the denial of access to school facilities 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
- 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
- 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
- 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.

A notice of Proposed Rulemaking and Emergency Adoption was published in the State Register on May 23, 2018, the public comment period will end on July 23, 2018. At the September 2018 meeting of the Board of Regents, the Board will review any comments received, and determine whether to adopt the changes as a permanent rule.

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<sup>1</sup> <http://www.regents.nysed.gov/common/regents/files/518p12a4.pdf>