



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL



NEW YORK STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

MARYELLEN ELIA  
COMMISSIONER OF EDUCATION  
PRESIDENT OF THE UNIVERSITY OF THE STATE OF NEW YORK

November 18, 2016

Dear Colleagues,

Over the past week, news sources have reported a number of disturbing incidents of bias and hate-based acts of bigotry, including vandalism, harassment, bullying, and even violence across New York communities. As the leaders of New York's education and law enforcement agencies, we want to remind all school administrators and school communities that these types of acts are counter to our shared values, and that the law empowers school districts to respond to such acts. We must focus our efforts to ensure that our schools are safe havens where students can learn without fear of discrimination, harassment, or intimidation directed towards students or faculty on the basis of their race, ethnicity, religion, immigration status, disability, sexual orientation, gender identity, or for any other reason.

School communities have a critically important role to play in planning and facilitating positive outcomes, especially during challenging times like these when communities around New York and the nation experience unrest. Too often it is our children who suffer most at these times. It is incumbent on us to teach them how to engage in constructive dialogue that promotes a safe school climate. To that end, we strongly encourage schools to hold gatherings for staff and students to promote this kind of positive dialogue and to learn how to prevent and respond to hateful words and actions. It is a job for the entire school community.

The Dignity for All Students Act ("DASA") was signed into law in 2012 to provide students with a safe and supportive environment free from discrimination, harassment, and bullying on school property, on a school bus, or at a school function, and was amended in 2013 to include cyberbullying. The law requires schools to provide students, persons in parental roles, and staff with information about DASA and to develop policies and procedures that require a safe school environment. Specifically, DASA requires school districts to develop Codes of Conduct that prohibit harassment, bullying (including cyberbullying), and discrimination against students by other students or school employees, as well as provisions for responding to incidents of discrimination and harassment and reporting such incidents to the New York State Education Department ("NYSED").

In August 2016, NYSED and the New York State Office of Attorney General ("OAG") jointly released guidance and model materials to aid schools in complying with DASA. These [materials](#) are available to assist your schools in teaching students and school personnel about fostering a safe and respectful school environment.

We request that all school districts review the systems you have in place and use these materials to improve them as needed. Districts should first review their Codes of Conduct to be sure they embrace diversity and address racism and other forms of bigotry. In addition, schools should review their processes for collecting and reporting DASA and Violent and Disruptive Incident Reporting (“VADIR”) for accuracy and timeliness in reporting. Our agencies’ joint guidance provided a model DASA Incident Reporting Form to assist school districts in both investigating alleged incidents of bullying/harassment and obtaining data that districts are required to report on such incidents if they prove to be material. We also reiterate that districts should widely publicize their DASA complaint procedures and reporting forms, as well as the identity of the DASA Coordinators for each of their schools, so that students and other members of school communities are aware of how to file a complaint of bullying or harassment.

We are committed to helping provide all students with a safe and supportive school climate based on mutual respect, acceptance, and freedom from discrimination and harassment so that they can focus on succeeding in their developmental and academic goals. Pupil personnel service providers, such as school counselors, social workers and psychologists, are trained to provide the necessary supports to staff and students, and should be considered an integral part of any implementation plan to address bullying, harassment and discrimination.

Our agencies understand that this is difficult work for districts and schools to deal with, but it is equally important for schools to know that both NYSED and the OAG are prepared to assist our local schools in providing supports and resources for staff, students, parents, and the community at large.

The resources and tools below can help school staff, students, parents and communities during this difficult time. Please use these resources where applicable, and join us in our efforts to ensure the safety and health of all children by aligning these tools with your school communities’ goals and needs.

- NYSED Guidance for School Emergency Planning and Mental Health Resources for Schools:  
[http://www.p12.nysed.gov/ss/documents/Memo\\_UpdateSafetyLegRegAug2016FINAL.pdf](http://www.p12.nysed.gov/ss/documents/Memo_UpdateSafetyLegRegAug2016FINAL.pdf).
- NYSED and NYS Attorney General’s Letter to District Superintendents and Guidance document:  
[https://ag.ny.gov/sites/default/files/dasa\\_-\\_dear\\_colleague\\_letter\\_oag-sed\\_guidance\\_document.pdf](https://ag.ny.gov/sites/default/files/dasa_-_dear_colleague_letter_oag-sed_guidance_document.pdf)
- Addressing Bullying, Harassment, Intimidation, and Discrimination in our Schools:  
[http://www.p12.nysed.gov/dignityact/documents/PreventBullyingInYourSchool\\_No\\_v2016.pdf](http://www.p12.nysed.gov/dignityact/documents/PreventBullyingInYourSchool_No_v2016.pdf)
- Model training materials to assist school districts in training school employees:  
[https://ag.ny.gov/sites/default/files/dasa\\_training\\_materials\\_final\\_-\\_8.30.16.pdf](https://ag.ny.gov/sites/default/files/dasa_training_materials_final_-_8.30.16.pdf)

- Dignity for All Students Act, inclusive of a “Resource and Promising Practices Guide for School Administrators & Faculty” with additional guidance and tools on creating safe and supportive schools: <http://www.p12.nysed.gov/dignityact/>.
- New York State Center for School Safety Quick Link Resources for Teaching Tolerance, and maintaining safe and healthy learning environments <http://www.nyscfss.org/#!/quick-links/c13iz>.
- New York State Center for School Health updated Mental Health and Counseling Resource Page: <http://schoolhealthny.com/a-zindex.cfm?subpage=225>.

Once again, thank you for your efforts every day to support our students, families, and communities across New York State. If you would like to discuss these important topics or materials, please contact the Office of Student Support Services at 518-486-6090, or [StudentSupportServices@nysed.gov](mailto:StudentSupportServices@nysed.gov).

Sincerely,



MaryEllen Elia  
State Education Commissioner



Eric T. Schneiderman  
Attorney General