

DIGNITY FOR ALL STUDENTS ACT

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ANSWERS TO COMMON QUESTIONS

What is the Dignity for All Students Act?

This bill amends the New York Education Law to prohibit harassment against students in school, including harassment based on real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) and sex, and prohibit discrimination based on these same characteristics. The prohibition would apply to all public schools in the state. Specifically, this bill requires schools to:

- Adopt policies to make schools harassment- and discrimination-free environments;
- Inform students and parents of anti-discrimination and harassment policies;
- Develop guidelines to be used in school training programs for teachers, administrators and other school employees to discourage the development of discrimination and harassment among staff and students;
- Create guidelines relating to the development of nondiscriminatory instruction and counseling;
- Incorporate discrimination and harassment awareness and sensitivity into civility, citizenship and character education curricula;
- Provide a staff member trained in human-relations counseling; and
- Report on incidents of discrimination and bias harassment to the State Education Department.

The bill also requires the State Education Department to assist school districts in implementing the requirements of the act with regulations, direct services and model policies.

Why is it necessary?

Schools are places where students should concentrate on learning and personal growth, not on avoiding taunting or violence. All students are negatively affected by bias harassment, but gay, lesbian, bisexual and transgender (LGBT) students and those perceived to LGBT in particular are the victims of severe and widespread discrimination and harassment in our public schools. According to a 2005 Harris Interactive survey of New York State students, 77% report hearing sexist comments in school, 72% of respondents reported hearing homophobic comments, 57% reported hearing negative comments about a person's gender expression, and 46% reported hearing racist comments. Unfortunately, many students heard such biased language from school staff, with 19% of students reporting hearing sexist remarks, 14% racist remarks, and 13% homophobic remarks from school staff. Of the only 40% of students who reported to a teacher, principal or other staff person harassment or assault that they experienced in school, only 37% reported that some immediate action was taken by school staff to address the situation.

What is the effect of in-school harassment on the students?

Because they feel unsafe, victimized youth are pushed out of schools and into high-risk behavior. 22.2% of gay and lesbian youth report skipping school each month, because they fear for their safety on the school grounds, as opposed to 4.2% of the general student population. These students are also at an increased risk for substance abuse, dropping out of school, homelessness and suicide. According to data collected by the Massachusetts Department of Public Health, 40% of gay, lesbian and bisexual high school students will attempt suicide, as opposed to 10% of their non-gay peers.

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Aren't students already protected from harassment by the law?

No. New York State Education Law does not have any explicit prohibition on harassment of any kind in primary or secondary education. While some New York localities have passed anti-discrimination and harassment policies for their schools, there is no comprehensive statewide protection from harassment in schools under New York state law.

Have similar measures been passed elsewhere?

Yes. 11 states (California, Connecticut, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Vermont, Washington and Wisconsin) and dozens of New York localities including Albany, Buffalo, East Hampton, Heuvelton, New York City, Rochester, Saratoga Springs and Yonkers have passed anti-harassment measures for their public schools that include sexual orientation; seven of those states (California, Iowa, Maine, Minnesota, Maryland, New Jersey and Vermont) also explicitly include gender expression.

Isn't this bill just an attempt to make students accept homosexuality?

This bill is designed to make sure that no student is so preoccupied by the fear or actuality of harassment or discrimination because of his or her real or perceived race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex that he or she is unable to receive an education. Parents understand the need to teach tolerance; for example, a recent poll by Lake Snell Perry & Associates found that 67% of parents wanted their children to be taught that gay people are just like other people. Still, the Dignity for All Students does not require anyone to "accept" another person's homosexuality, religion or other characteristic; it only requires that a student not be abused because of these traits. It does not limit freedom of speech or religion, since a person is still free to express a disapproval of homosexuality, just not in a harassing manner that substantially interferes with another student's education or creates a hostile or intimidating environment.

How does the act apply to religious groups and parochial schools?

All private schools, including religious schools, are explicitly exempt from the law. The bill neither pressures private religious schools to promote homosexuality nor prevents them from participating in interscholastic extracurricular activities because of any beliefs held by the institution.

Will this bill create a litmus test in the hiring of teachers?

No. It does not involve quotas or any other kind of affirmative action, nor does it require teachers, administrators or other school employees to hold any particular belief or attitude.

Will this bill prevent the Boy Scouts from using school facilities?

No. The bill only applies to programs or activities conducted by a public educational institution. It will not prevent Boy Scouts troops sponsored by entities other than a public educational institution from holding their meetings in public schools. Furthermore, even groups that do discriminate must be allowed to use school facilities under the Federal Equal Access Act.