NYSUT SAFE SCHOOLS: A Step-by-Step Plan for Making Our Schools Safer

PRESENTED BY:

DEBORAH LLOYD-PRIEST

SAFETY FIRST

Safe Schools For All Task Force Report

nysut

- http://nysut.org/safeschools

School Climate and Culture

Record Keeping and recording student behavior

Identify Problems and possible solutions

Dealing with disruptive behaviors

Contract language

NYS ED Laws, School policy, practices, training

Health and safety violations and the role of the health and safety committee

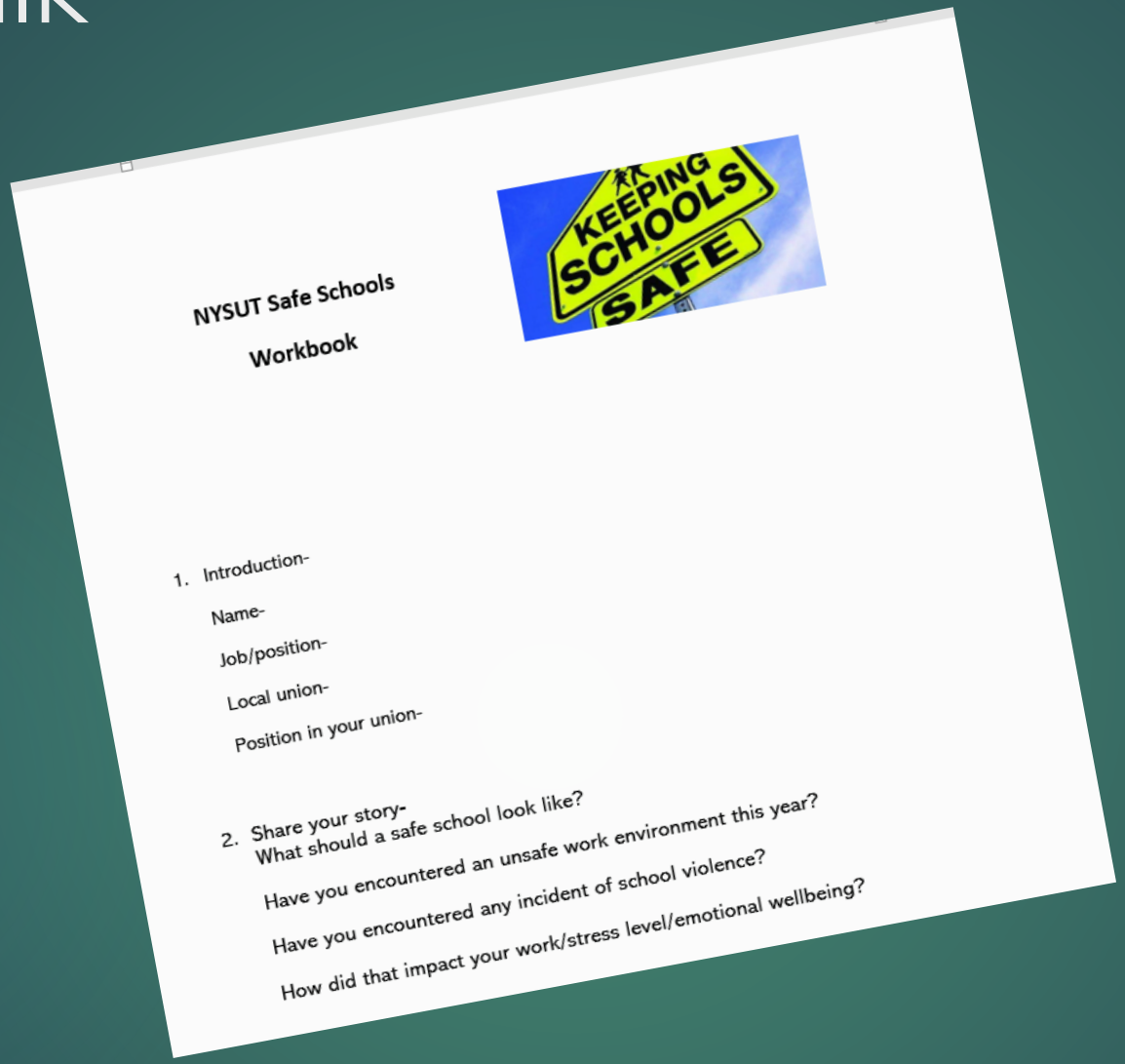
Enforcement and mobilizing

Post-incident response

STEP 1:

- IDENTIFY

Table Talk



NYSUT Safe Schools

Workbook

1. Introduction-

   Name-

   Job/position-

   Local union-

   Position in your union-

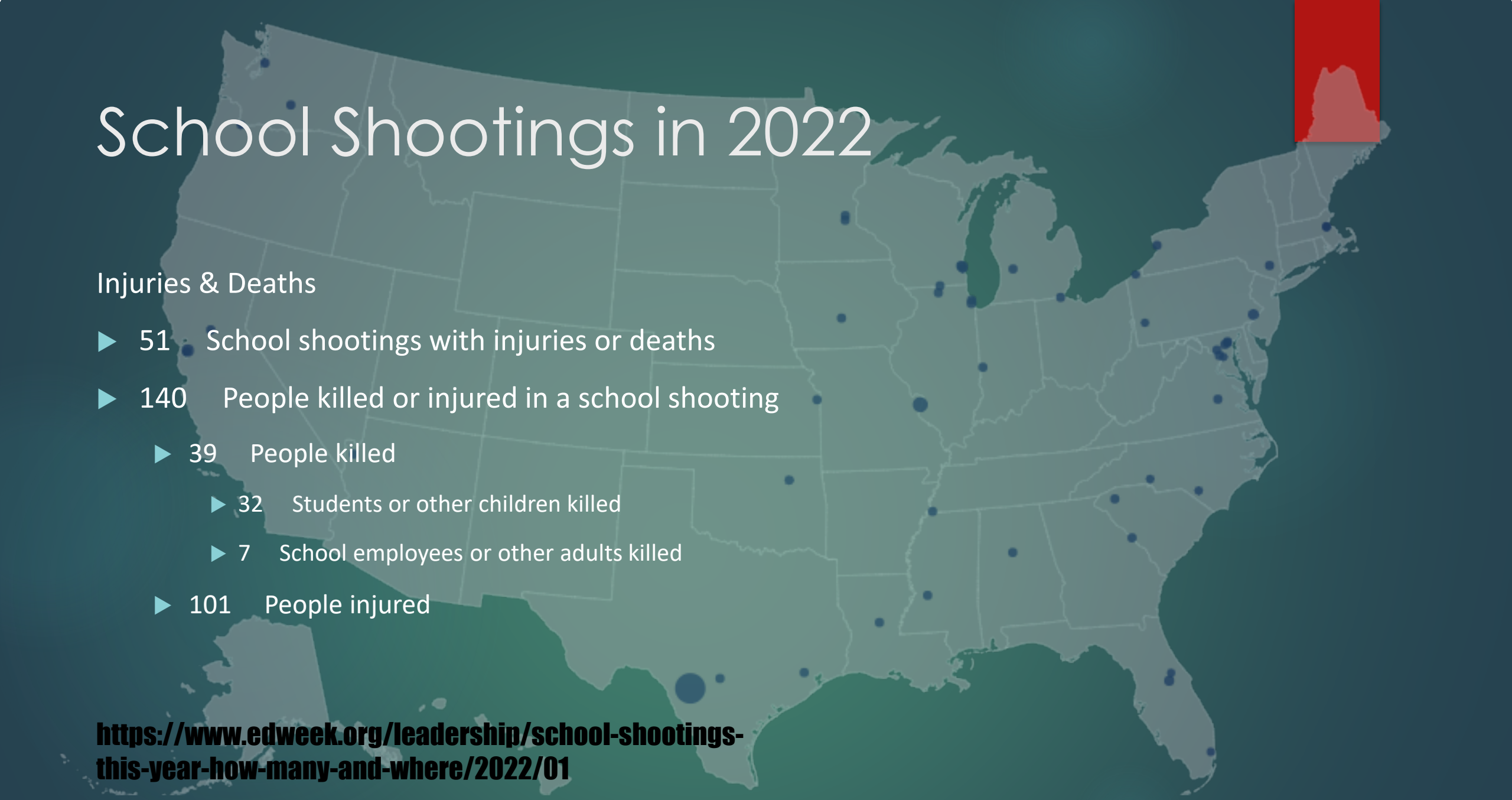
2. Share your story-
   What should a safe school look like?

   Have you encountered an unsafe work environment this year?

   Have you encountered any incident of school violence?

   How did that impact your work/stress level/emotional wellbeing?

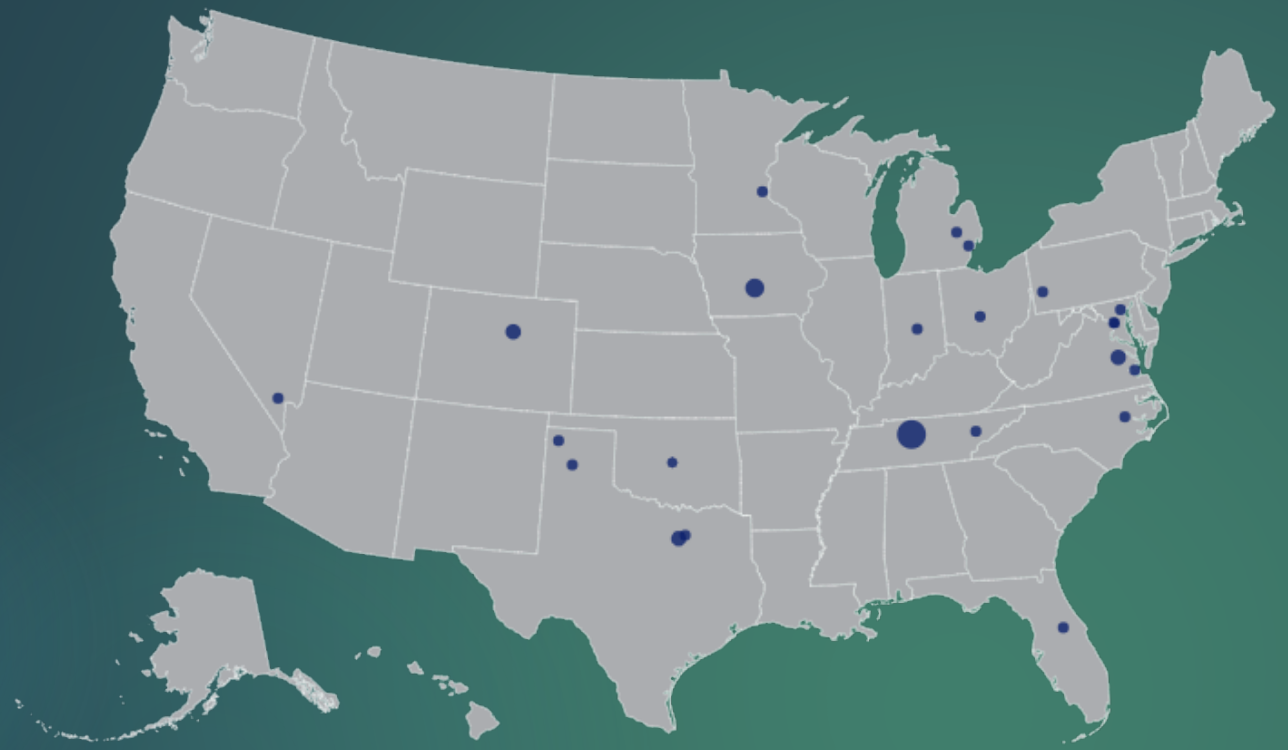
School Shootings in 2022



Injuries & Deaths

- 51 School shootings with injuries or deaths
- 140 People killed or injured in a school shooting
  - 39 People killed
    - 32 Students or other children killed
    - 7 School employees or other adults killed
  - 101 People injured

https://www.edweek.org/leadership/school-shootings-this-year-how-many-and-where/2022/01



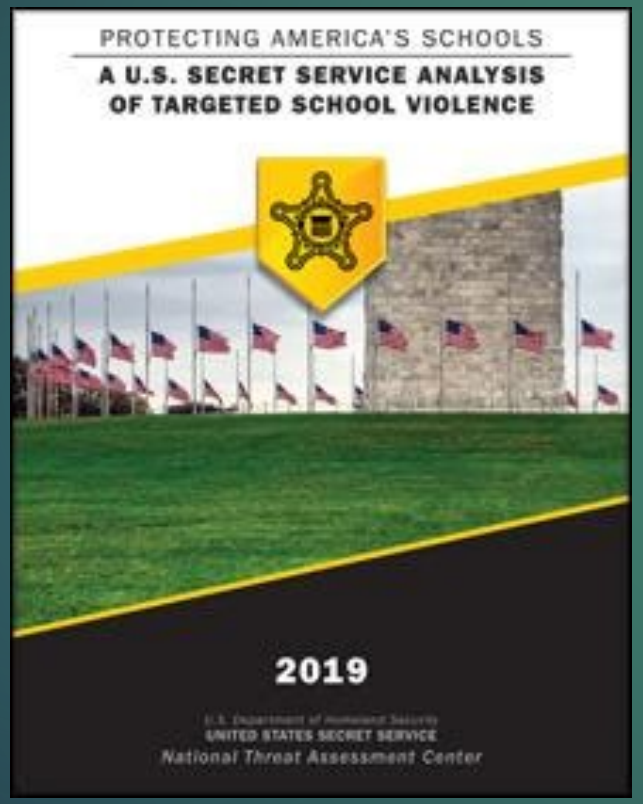
School Shootings 2023 (23)

- 34 People killed or injured in a school shootings
- 13 People killed-

9- Children, 4 -Adults

https://www.nytimes.com/2023/01/25/us/newport-news-shooting-teacher-superintendent-school-board.html

Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence



10 Key Findings of the U.S Secret Service Analysis of Targeted School Violence

- There is no profile of a student attacker, nor is there a profile for the type of school that has been targeted
- Attackers usually had multiple motives, the most common involving a grievance with classmates
- Most attackers used firearms, and firearms were most often acquired from the home.
- Most attackers had experienced psychological, behavioral, or developmental symptoms
- Half of the attackers had interests in violent topics
- All attackers experienced social stressors involving their relationships with peers and/or romantic partners
- Nearly every attacker experienced negative home life factors
- Many attackers felt bullied, persecuted, or injured by others prior to the attack.
- Most attackers were victims of bullying, which was often observed by others
- Most attackers had a history of school disciplinary actions, and many had prior contact with law enforcement
- All attackers exhibited concerning behaviors. Most elicited concern from others, and most communicated their intent to attack:

Violence

Violence is the Behavior involving physical force intended to hurt, damage, or kill someone or something.

Disruptive vs. violent Pupils

disruptive pupil

- Is substantially disruptive of the educational process or interferes with the teacher's authority over the classroom.

violent pupil

- Commits an act of violence on a teacher, other school district employee, or fellow student;
- Possesses, displays, or threatens to use a gun, knife, or other dangerous weapon;
- Knowingly and intentionally damages or destroys school district property.

Section 3214 - Chapter 16, Title IV, Article 65, Part I, section 3, part a. “Teacher removal of a disruptive pupil”

Commissioner's Regulation Article 8 CRR-NY 100.2 (gg) Revised School Safety and Educational Climate (SSEC) Effective 7/1/2021

Uniform violent or disruptive incident reporting system also known as the "School safety and educational climate reporting system".

Violent or disruptive incident shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):

- Homicide. Any intentional violent conduct which results in the death of another person.
- Sexual offense. An act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.
- Assault. An act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.
- Threat (other than bomb threat or false alarm). A verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.

Crisis Prone vs Crisis Prepared

- Worker focused survey
- Improving Your Workplace Violence Prevention Program

Crisis-Prone vs. Crisis-Prepared Organizations	
Crisis-Prone	**Crisis-Prepared**
Reacts to crisis, rather than reading the warning signs that might allow problems to be prevented or mitigated.	Maintains effective systems for collecting, reporting and analyzing signs of distress at an early stage.
Pays lip service to human issues but pays real attention only to bottom line figures and business interests.	Cultivates a sense of mutual interest among stakeholders, including unions, in responding effectively to problems before they reach a critical stage.
Holds fast to denial, summarily expelling or punishing employees perceived as deviant, rather than confronting their behavior and its causes.	Develops and fully disseminates in advance a policy for dealing with potential and actual crises.
"Delegates" responsibility for programs and polices involving employee welfare to lower levels while top leadership remains remote, especially during times of change and stress.	Encourages a climate in which employees feel free to communicate their distress to management and management feels a responsibility to respond.
Directs communication in a crisis outward (e.g., toward the public, stockholders, and the media) rather than inward, toward employees.	Engages in effective problem-solving rather than confrontation.
Remains mired in adversarial standoff, thwarting genuine internal communication and problem-solving.	Does not deny problems or seek to avoid dealing with them by expelling or suppressing "deviants."

Source: T.C. Pauchant and I.I. Mitroff, *Transforming the Crisis-Prone Organization*, 1993.

Work Shouldn't Hurt

Body Mapping Exercise for Organizers

You will need:

A large piece of paper

Markers + Tape

A set of sticky dots in seven different colors:

Orange: Injuries caused by doing the same activity over and over

Yellow: Sickness or pain you feel due to stress.

Dark Green: Contact with dangerous chemicals.

Dark Blue: Injuries (physical or emotional) due to workplace violence.

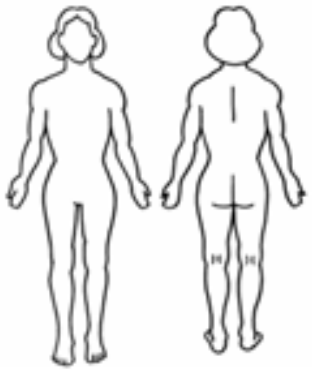
Red: Contact with blood or other bodily fluids.

Light Green: All other health problems caused by your work, such as skin rash, sinus infection, asthma, hearing loss, or cancer.

Light Blue: All other injuries caused by your work, such as bruises, broken bones, eye injuries, or electric shock.

Goal: Find out which injuries or illnesses workers have in common. Use that new awareness of common issues to involve more workers in collective actions that make lasting changes.

This works best with a group of workers from the same department, or who do the same type of work. That way, the map you create will show a picture of the specific injuries, illnesses and stresses that affect workers in that particular department or job. If you can't get workers together in a group, consider posting the body map in an area where workers gather and asking them to do the exercise one-by-one for their particular job or department. Finish the discussion later when you can get a group meeting together.



Step 1: Draw an outline of a body (front and back) on a large piece of paper.

Step 2: Ask each person to think about problems at their work that cause them to get hurt, sick or stressed. Tell them to put the correct colored dots on the body parts that are affected. For example, a worker who gets sick from a chemical could put a dark green dot near the nose, where the chemical was breathed in. Or they could put the dot on the lungs if the lungs were affected. For occupational stress, some workers could put a yellow dot on the body's head or neck/shoulder if they feel pain there. Others might put the dot on the stomach to show stomachaches.

Step 3: Ask the workers to find the most common injuries and illnesses that are on the body maps. Remind everyone that each dot is caused by a hazard or problem in the workplace that needs to be fixed. In the next exercise (hazard mapping), they will work together to identify these hazards so someone can make a plan to correct them.

Step 4: Bring the conversation back to the issue of power. Ask the group: What do you think would have happened if you approached management by yourself about your specific illness or injury? How might it be different if a large group of workers who share the same issue acted together?

More Information: https://www.coshnetwork.org/sites/default/files/Mapping%20NLC.pdf

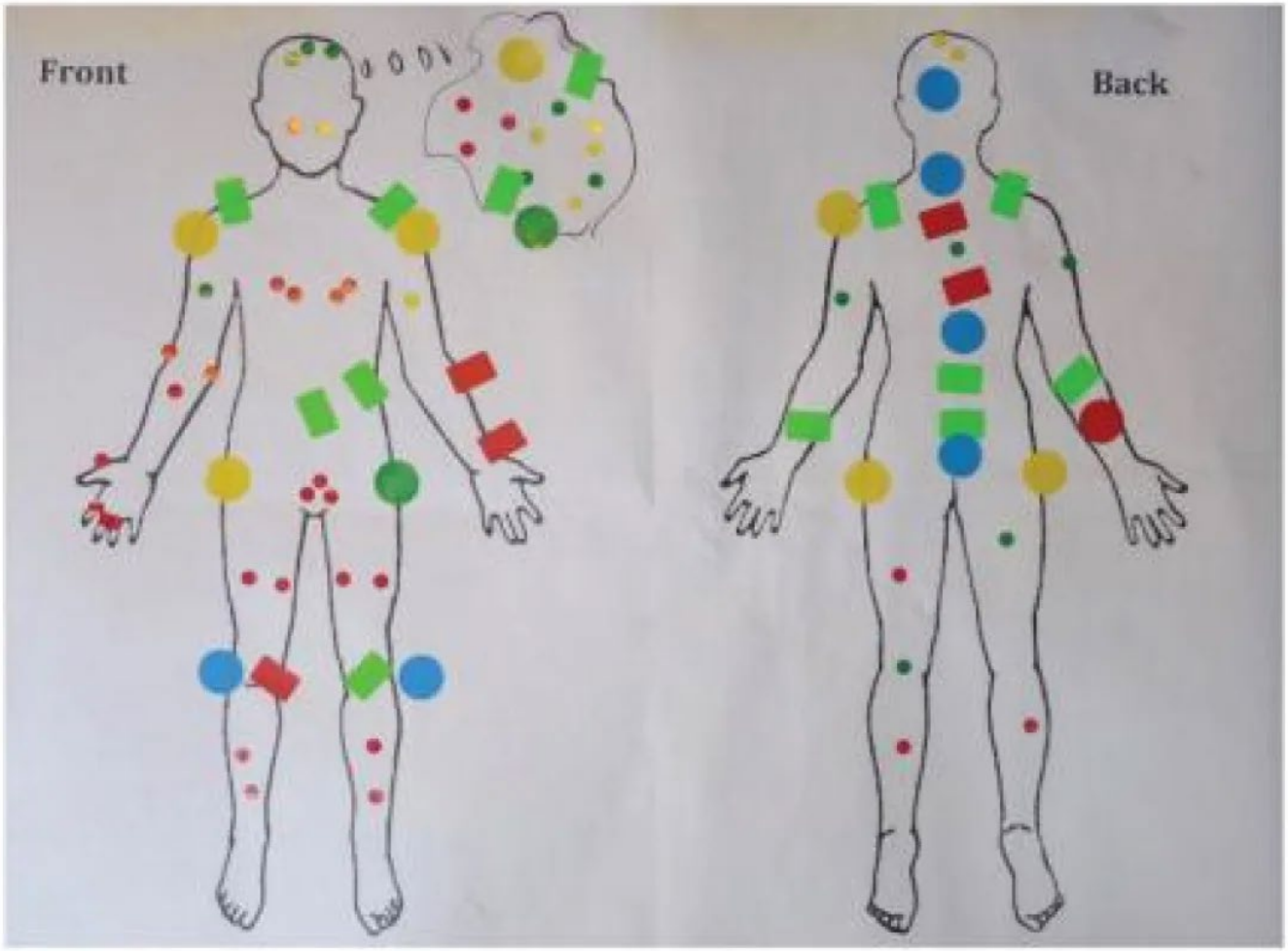
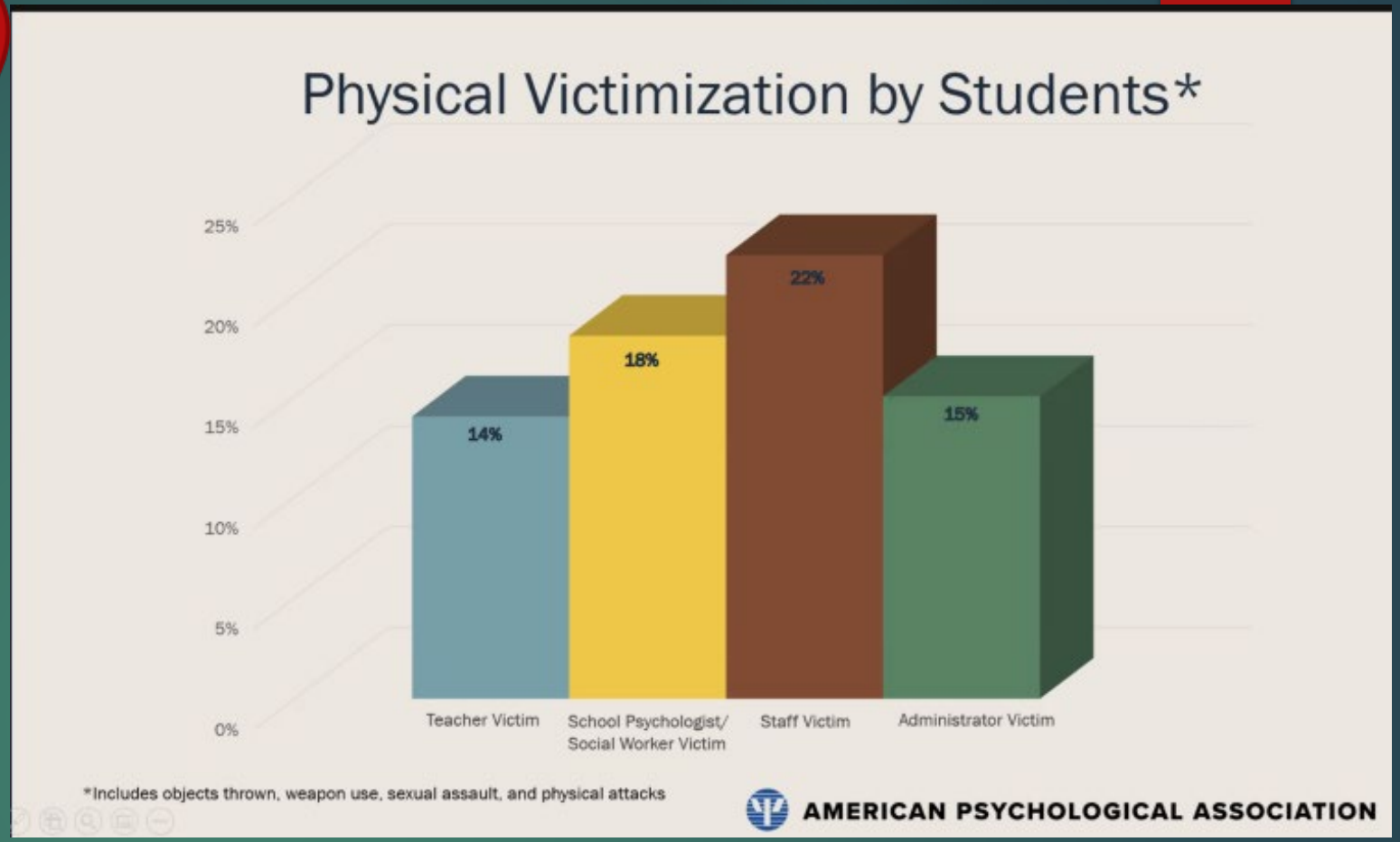


Figure 1. A Body Map from one of the group interviews displaying assaults experienced by participants. Large circles represent serious injuries, rectangles moderately serious injuries, and small dots minor injuries. The stickers in the cloud represent psychological impacts.

"I have been physically assaulted multiple times by students in the building and they know that not only is there no one to stop them, but there will be no consequence either. I ended up in the hospital the last time."

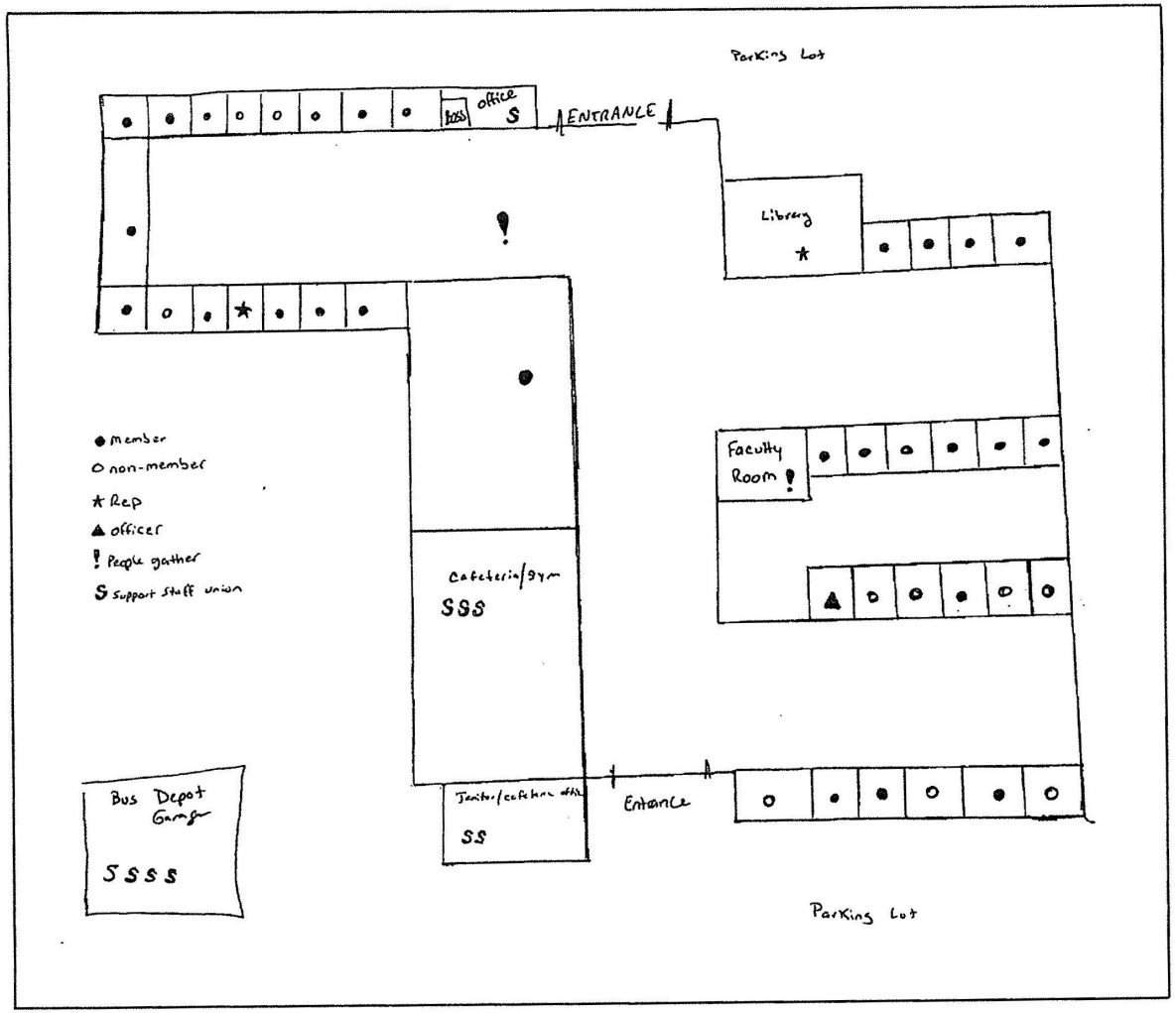
Physical & verbal violence directed at educators contribute to high stress and create unsafe work environments. This all contributes to the numbers of individuals avoiding and leaving the profession.

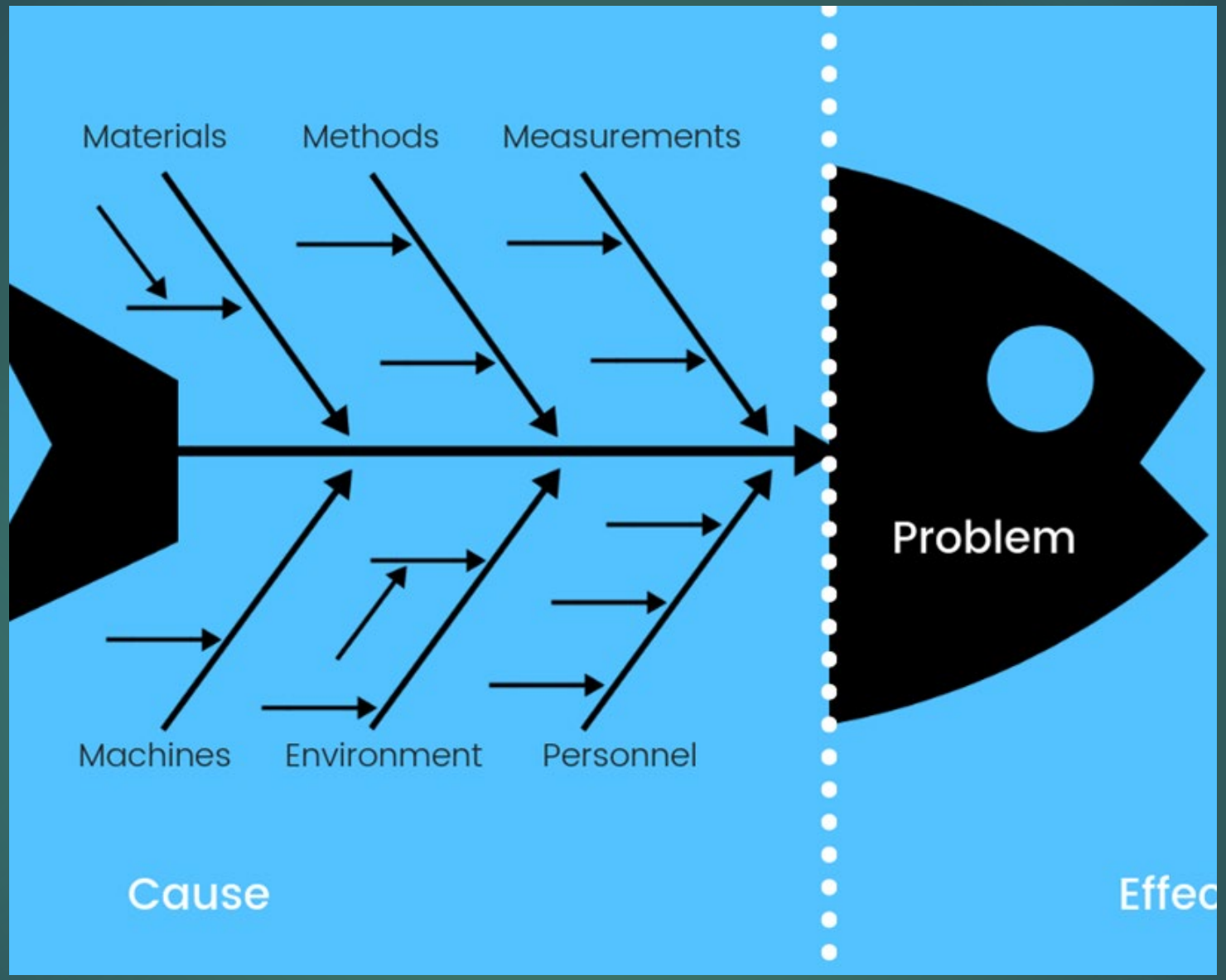


The American Psychological Association Services Inc. Task Force Study conducted from July 2020 to June 2021, nearly 15,000 teachers, administrators, school psychologists, social workers and other school staff members

Map Example

EXAMPLE OF A SCHOOL/CAMPUS MAP




Materials
Methods
Measurements
Problem
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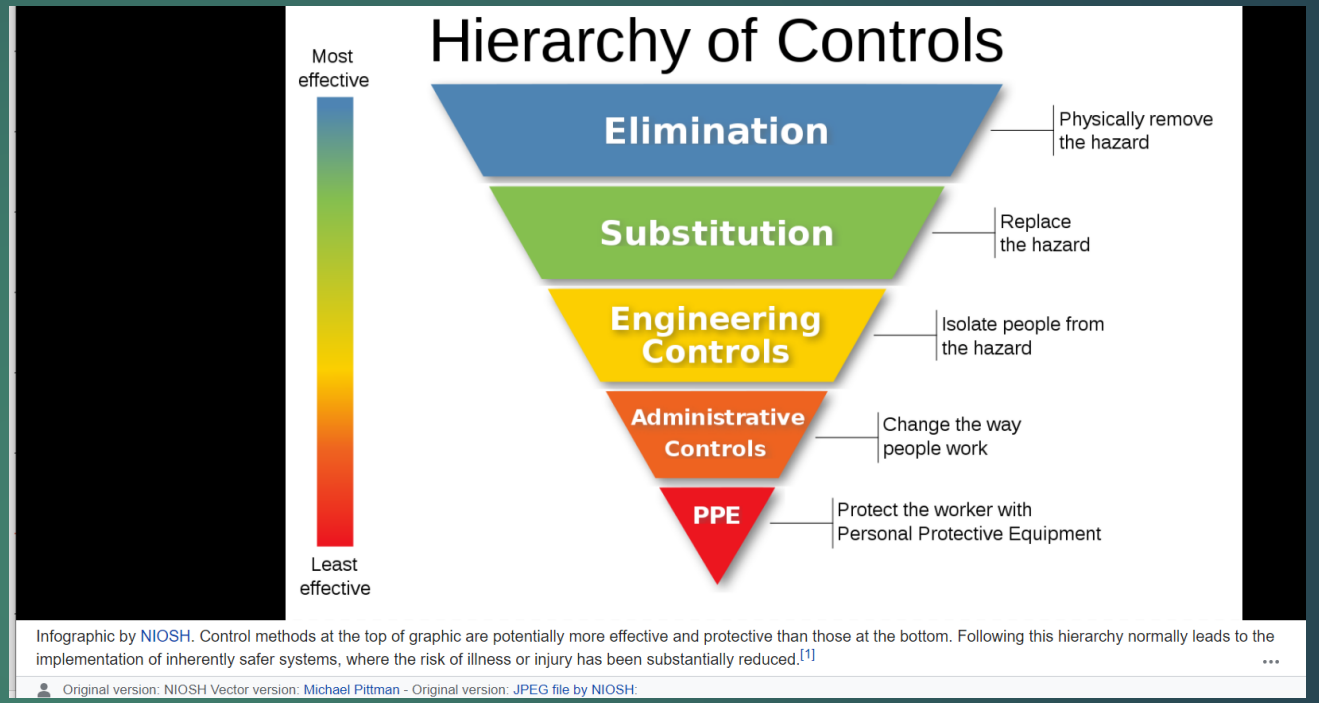
Identifying Solutions



Infographic by NIOSH. Control methods at the top of graphic are potentially more effective and protective than those at the bottom. Following this hierarchy normally leads to the implementation of inherently safer systems, where the risk of illness or injury has been substantially reduced.[1]

Original version: NIOSH Vector version: Michael Pittman - Original version: JPEG file by NIOSH:

STEP 2:

CHECKLIST

NEEDS ASSESSMENT

MEET WITH DISTRICT OFFICIALS

Need for Supportive and Nurturing School Climate Alternatives to punitive discipline

- School architecture often mimics prisons --The environment further "prison-ized," especially in low-income communities of color:
- Increased police presence, metal detectors, security cameras and wand searches.
- Police respond to student behavior problems and mental health crises, often without proper training.
- Behavior of students is increasingly controlled – emphasis on silence and order, strict control of time and physical movement

There is a Need to include:

- Restorative Practices
- Positive Behavioral Interventions and Supports (PBIS)
- Trauma-informed approaches and social-emotional learning

MUST be in educators' toolboxes

Reliance on Harsh School Discipline Policies, Out of School Suspensions, Expulsions and School Policing

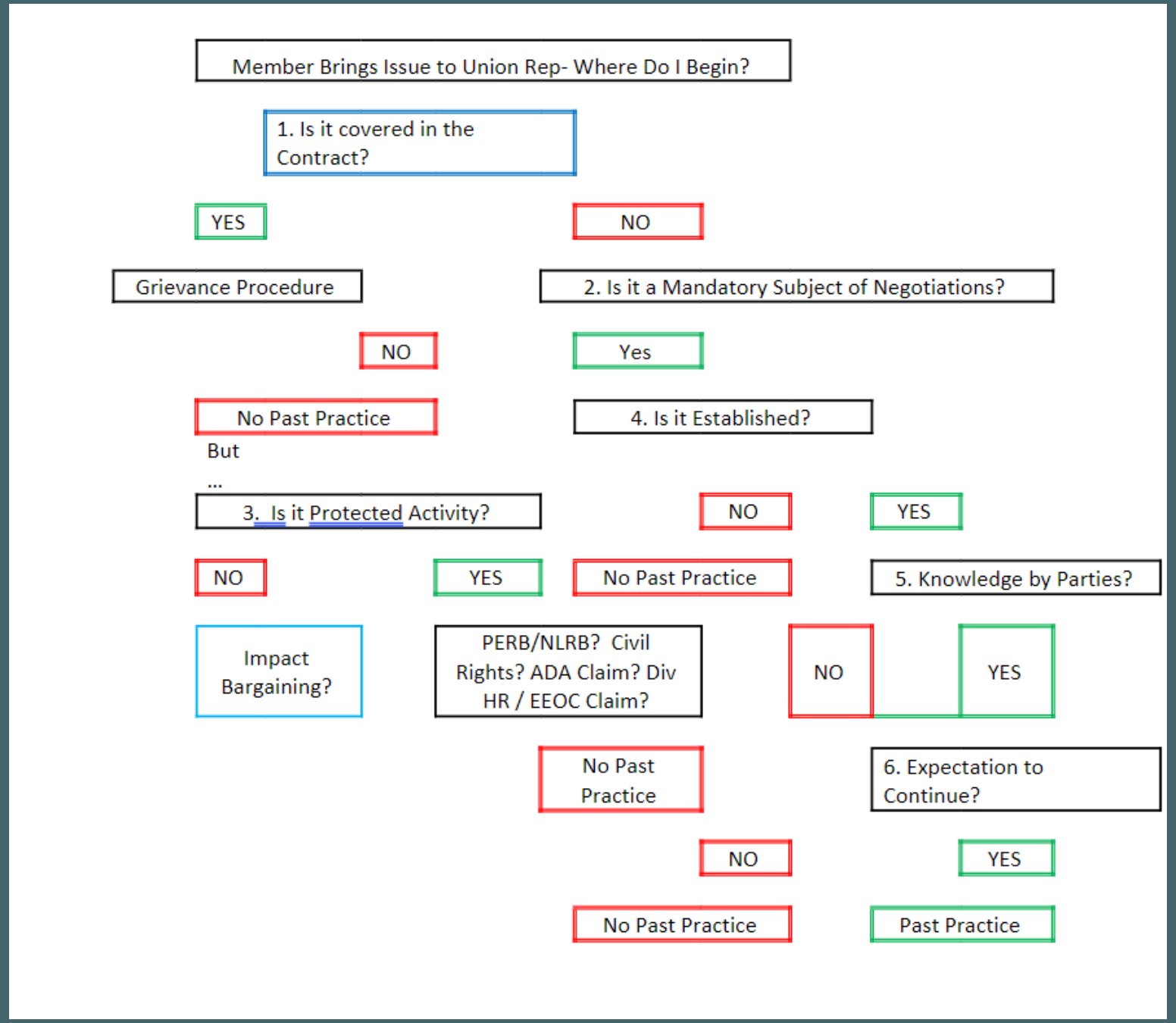
- Punishment may be punitive, and some codes of conduct create mandatory punishments for even minor offenses. "Zero Tolerance"
- No work involved or learning taking place when a student is suspended or expelled
- "Lets kids off the hook" – does not change behavior
- Ignores facing impact of actions and decisions; ignores how the offense impacts others
- Goal is to allow students to learn from their mistakes, create ways to repair the harm and accept responsibility for their actions
- Educators want to see acceptance of responsibility and they also want to see decrease in repeated conduct

Traditional Approach	Restorative Approach
School rules are broken.	People and relationships are harmed.
Justice focuses on establishing guilt.	Justice identifies needs and responsibility.
Accountability = punishment	Accountability = understanding impact and repairing harm
Justice directed at the offender; the victim is ignored.	Offender, victim, and school all have direct roles in the justice process.
Rules and intent outweigh whether outcome is positive or negative.	Offender is responsible for harmful behavior, repairing harm and working towards positive outcomes.
Limited opportunity for expressing remorse or making amends	Opportunity given to make amends and express remorse

Violence in Our Schools
Our Toolkit Check List

SECTION 1: SCHOOL CLIMATE AND CULTURE

Do you have a positive school climate? Have we surveyed the school community for their feedback related to the school climate?	Yes Yes	No No	Define and describe the climate?
Are you using a specific school climate program?	Yes	No	Identify the programs that currently exist
Do we need to re-align our programs and policies with the goals of the district as they relate to school climate?	Yes	No	Identify which need to be re-aligned


Member Brings Issue to Union Rep- Where Do I Begin?
1. Is it covered in the Contract?
YES
NO
Grievance Procedure
2. Is it a Mandatory Subject of Negotiations?
NO
Yes
No Past Practice
But
...
4. Is it Established?
3. Is it Protected Activity?
NO
YES
NO
YES
No Past Practice
5. Knowledge by Parties?
Impact Bargaining?
PERB/NLRB? Civil Rights? ADA Claim? Div HR / EEOC Claim?
NO
YES
No Past Practice
6. Expectation to Continue?
NO
YES
No Past Practice
Past Practice

STEP 3: Review the Rules and Laws

- YOUR CONTRACT
- SCHOOL POLICY
- LAWS
- DASA
- SSEC
- SAVE
- CODES OF CONDUCT

New York State Workplace Violence Prevention Law (2006)

Section 27-b of State Labor Law

Excludes employers as defined under SAVE

Requires public employers to:

- Do risk evaluation
- Develop/implement programs to prevent and minimize workplace violence
- Regularly evaluate

SAVE vs. Workplace Violence Prevention Regulation

Save (2000) (2016) (2021)

(NYCRR Title 8 Part 155) (ED Law §807 and 2801-a)

- Schools
- Written emergency plans
- Student centered
- Emphasis on response
- Removal of disruptive students
- Involvement of teacher unions
- No enforcement

WVP Standard (2006)

Section 27-b of State Labor Law

- Not cover schools
- Violence specific
- Worker centered
- Emphasis on prevention
- Risk assessment
- Involvement of all unions
- Regular evaluations
- Enforcement

Safe Schools Against Violence in Education (SAVE) Act

PROJECT SAVE

EFFECTIVE NOV. 1, 2000 (FULL COMPLIANCE BY JULY 2, 2001)

AMENDED 2016, CHAPTER 54 OF THE LAWS OF 2016 (SPECIFIC COMPONENTS)

AMENDED AGAIN IN 2021 (COMPLIANCE 2022)

School Safety in NY | nyscfss.org

Key Components of S.A.V.E.

Planning
- District Safety Plan
- Emergency response

Disruptive Students
- Code of Conduct
- Student Removal
- Principal Suspension

Education and Training
- Character Education
- Health
- Curriculum Change
- Violence Prevention

Prevention, Protections, and Penalties
- Fingerprinting
- Child Abuse Reporting
- Whistleblower Protection
- Felony Assaults

Reporting
- Violent Incident Reporting
- Reporting Sentences
- Enrolling juvenile Delinquents

Funding

MAKING SCHOOL SAFE

District-Wide Safety Plan

- Are public
- Policies and procedures for the use of school safety officers, monitors and/or safety devices or procedures
- Policies and procedures for responding to acts of violence and implied or direct threats of violence by students, faculty, staff or anyone else in the school building
- Policies and procedures for responding to and notifying parents and guardians of students in the event of implied or direct threats of violence including threats by students themselves.
- Must include policies and procedures for contacting law enforcement
- Now includes suicide
- District plans must be available for public comment. (No longer required for the summary building-level response plan).

June 23, 2022
Alyssa's law- requires district wide safety team to consider the installation of panic alarm system.
July 1, 2023
plans must address the provision of remote instruction during an emergency school closure.

District-wide Safety Team

Appointed by the board of education, chancellor or other governing board

- Includes, but not limited to:
  - Representatives of school board
  - Teachers
  - Administrators
  - Parent organizations
  - School safety personnel
  - Student (except any portion of the confidential building-level emergency response plan or confidential parts of the district-wide response strategy)

Building-level Emergency Response Plans

- Must include policies and procedures for responding to emergency situations including those requiring evacuation, sheltering and lock-down.
- Confidential and shared only with authorized SED or school staff and law enforcement officers.

Building-level Emergency Response Team

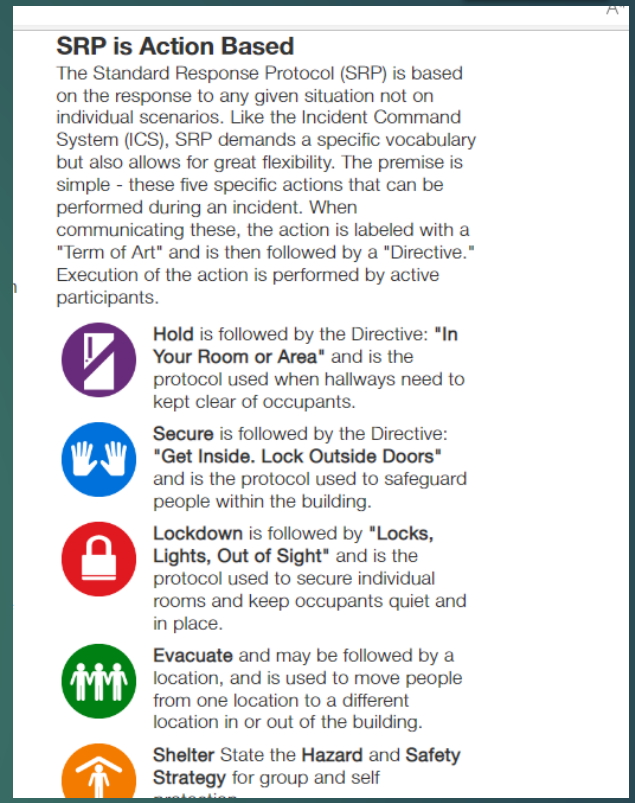
Appointed by the building principal

includes, but not limited to:

- Representatives of teacher, administrator and parent organizations
- School safety personnel
- Other school personnel
- Community members
- Local law enforcement officials
- Local ambulance or other emergency response agencies
- Representative of school board (or other governing body)
- Fire officials

Training

- All district and school staff required to receive training on the building-level response plan which must include:
  - School violence prevention training
  - Mental health components
  - Completed by September 15 of each year.



SRP is Action Based

The Standard Response Protocol (SRP) is based on the response to any given situation not on individual scenarios. Like the Incident Command System (ICS), SRP demands a specific vocabulary but also allows for great flexibility. The premise is simple - these five specific actions that can be performed during an incident. When communicating these, the action is labeled with a "Term of Art" and is then followed by a "Directive." Execution of the action is performed by active participants.

Hold is followed by the Directive: **"In Your Room or Area"** and is the protocol used when hallways need to kept clear of occupants.

Secure is followed by the Directive: **"Get Inside. Lock Outside Doors"** and is the protocol used to safeguard people within the building.

Lockdown is followed by **"Locks, Lights, Out of Sight"** and is the protocol used to secure individual rooms and keep occupants quiet and in place.

Evacuate and may be followed by a location, and is used to move people from one location to a different location in or out of the building.

Shelter State the **Hazard** and **Safety Strategy** for group and self

https://iloveuguys.org/The-Standard-Response-Protocol.html

NY STATE EMERGENCY RESPONSE S.H.E.L.L.

SCHOOL NAME:

911 ADDRESS:

SHELTER-IN-PLACE

SHELTER STUDENTS AND STAFF INSIDE THE BUILDING BECAUSE IT IS SAFER INSIDE THE BUILDING THAN OUTSIDE.

ACTIONS:

- Listen for instructions about the situation and your actions.
- Students in hallways should return to assigned classroom, if possible.
- Classroom teachers, take attendance.
- All other staff assist students, as needed.
- Move away from windows, if situation warrants.
- If instructed, move out of classroom to designated safe area. Stay together at all times.
- Take Attendance.
- Listen for updates.

HOLD-IN-PLACE

RESTRICT MOVEMENT OF STUDENTS AND STAFF WITHIN THE BUILDING WHILE DEALING WITH SHORT TERM EMERGENCIES.

ACTIONS:

- Listen for instructions about the situation and your actions.
- Students in hallways should return to assigned classroom, if possible.
- Classroom teachers, take attendance.
- All other staff assist students, as needed.
- Listen for updates.

EVACUATE

EVACUATE STUDENTS AND STAFF FROM THE BUILDING.

ACTIONS:

- Listen for instructions about the situation and your actions.
- Lead students to designated assembly or announced assembly area. Use secondary route, if necessary.
- Bring attendance list and class roster.
- Close the classroom door after exiting.
- Take attendance when safe to do so.
- If evacuating off site, take attendance before moving from and upon arrival at off site location.
- Listen for updates.

LOCKOUT

STUDENTS AND STAFF REMAIN INSIDE LOCKED **SCHOOL BUILDINGS** DURING INCIDENTS THAT POSE AN IMMINENT CONCERN **OUTSIDE** OF THE SCHOOL.

ACTIONS:

- Listen for instructions regarding the situation and your actions.
- Lock all exterior doors and windows.
- Leave blinds/lights as they are.
- Take Attendance.
- After initial instructions, listen for updates.
- Classroom instruction continues as normal.
- All outdoor activities are terminated.
- Listen for updates.

LOCKDOWN

SECURE STUDENTS AND STAFF INSIDE LOCKED **CLASSROOMS** DURING INCIDENTS THAT POSE AN **IMMEDIATE THREAT OF VIOLENCE** IN OR AROUND THE SCHOOL.

ACTIONS:

- When you hear LOCKDOWN, LOCKDOWN, LOCKDOWN announced, move quickly to execute the following actions.
- If safe, gather students from hallways and common areas near your classroom.
- Lock your door. Barricade if necessary.
- Move students to a safe area in the classroom out of sight of the door.
- Leave windows, blinds/lights as they are.
- Keep everyone quiet. Silence cell phones.
- Take attendance, if possible.
- Do not communicate through door or answer room phone.
- Do not respond to P.A. announcements or fire alarm.
- Stay hidden until physically released by law enforcement personnel.

Code of Conduct

Key Components

- Conduct, dress, and language
- Civil and respectful treatment of teachers and others
- Roles of school personnel
- Security, standards, and procedures
- Removal procedures
- Disciplinary measures
- Provisions for detention
- Reporting violations
- Students with disabilities
- Notifying law enforcement agencies
- Notifying parents
- Referral to human service agencies
- Suspensions of students who are disruptive
- Suspension of students who are violent

REMOVAL OF A DISRUPTIVE STUDENT

Section 3214 - Chapter 16, Title IV, Article 65, Part I

NYSED:SSS:S 3214 Student placement, suspensions and transfers.

TEACHERS HAVE

THE LEGAL AUTHORITY TO REMOVE A STUDENT FROM THEIR CLASSROOM CONSISTENT WITH THE DISCIPLINE MEASURES CONTAINED IN THE DISTRICT'S CODE OF CONDUCT.

- TRADITIONAL PREVENTION AND INTERVENTION STRATEGIES SHOULD BE USED BY THE TEACHER PRIOR TO CONSIDERING REMOVAL OF THE STUDENT.
- CONTINUED EDUCATIONAL PROGRAMMING AND ACTIVITIES ARE REQUIRED FOR ANY STUDENT REMOVED FROM THE CLASSROOM.

FAPE- Is the District negligent?

- **What FAPE requires a school to do**
- Provide special education to meet the unique needs of a child. This means specially designed instruction. For example, a student with reading challenges might be taught with a multisensory reading program.
- Provide related services to help the child benefit from special education. Related services may include things like speech therapy, counseling, or even transportation.
- Provide these services for free — at no cost to parents and caregivers.
- Provide accommodations and modifications that help kids learn and participate in the general education curriculum. Audiobooks and extra time for schoolwork are examples of accommodations. See a list of **common accommodations in the classroom**.
- Create an Individualized Education Program (IEP). This is a written plan for a child's special education experience at school. By law, an IEP must include things like services, progress monitoring, annual goals, and more.
- Teach kids in the **least restrictive environment** (LRE). As much as possible, kids with IEPs should be learning alongside their classmates. Putting kids in separate classes is only allowed if it's necessary to meet their unique needs.

- Quality and Compliance Assurance – SED
- https://www.nysed.gov/special-education/special-education-quality-assurance-regional-offices

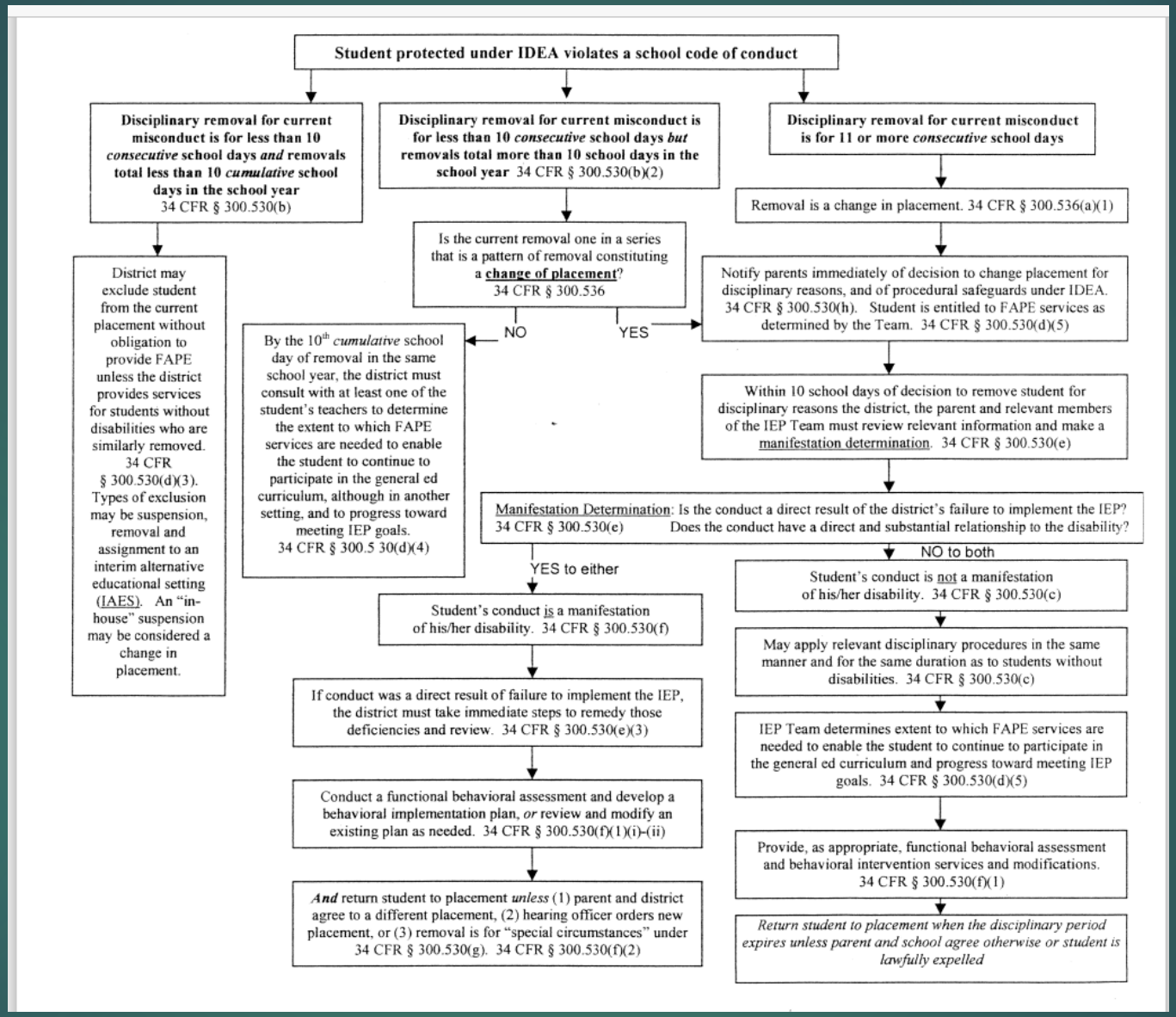
Recommendations for Reducing Disparities In and Reforming School Discipline
in New York State:

Report from the Safe Schools Task Force
January 2023
Presentation to the Board of Regents

Removal of Students with Disabilities

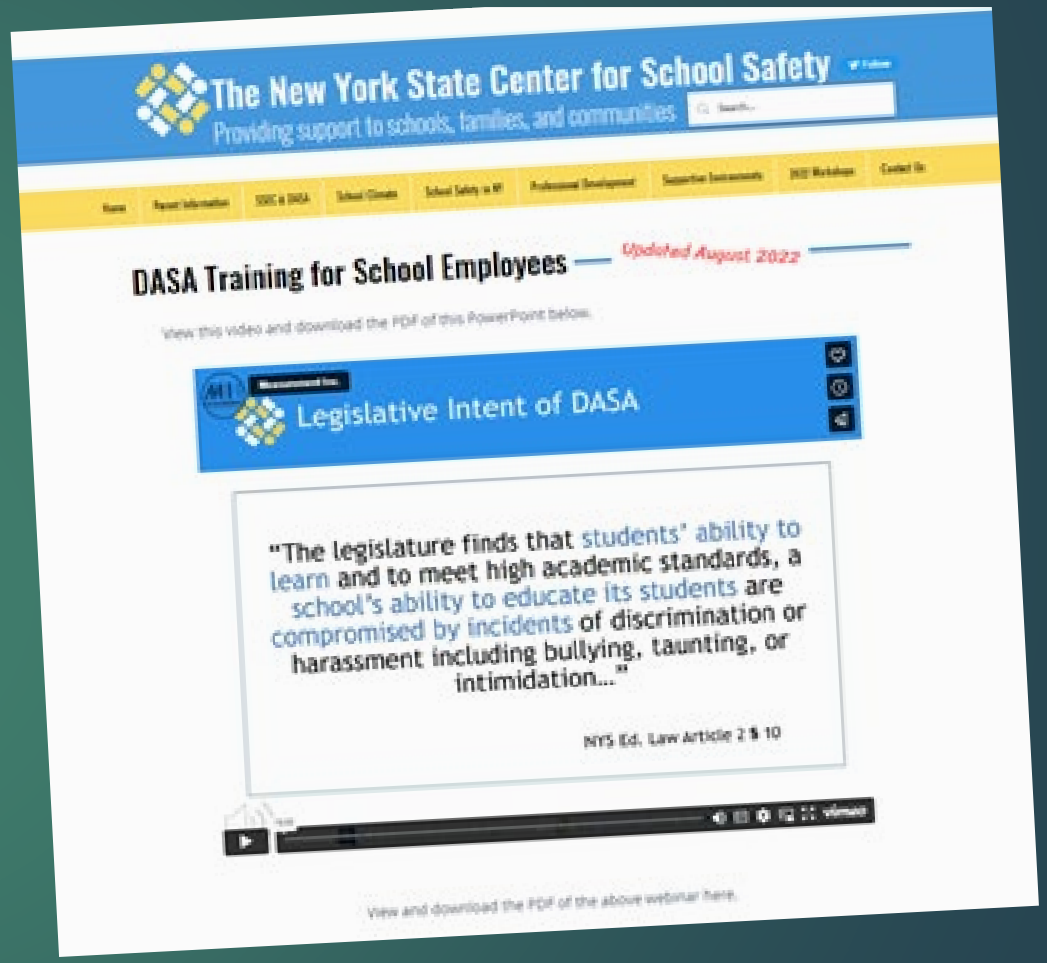
THE US ED DEPARTMENT RELEASED July 19,2022!
Section 504 Discipline Fact Sheet (PDF) (ed.gov)

- Code must ensure removal of students with disabilities complies with State and Federal laws relating to students with disabilities.
- Teachers should be informed of behavior management strategies and/or intervention to address student's behavior included in an IEP or Behavior Intervention Plan.
- Removal does not constitute a disciplinary change in placement for a student with a disability.


Student protected under IDEA violates a school code of conduct
Disciplinary removal for current misconduct is for less than 10 consecutive school days and removals total less than 10 cumulative school days in the school year 34 CFR § 300.530(b)
Disciplinary removal for current misconduct is for less than 10 consecutive school days but removals total more than 10 school days in the school year 34 CFR § 300.530(b)(2)
Disciplinary removal for current misconduct is for 11 or more consecutive school days
District may exclude student from the current placement without obligation to provide FAPE unless the district provides services for students without disabilities who are similarly removed. 34 CFR § 300.530(d)(3). Types of exclusion may be suspension, removal and assignment to an interim alternative educational setting (IAES). An "in-house" suspension may be considered a change in placement.
Is the current removal one in a series that is a pattern of removal constituting a change of placement? 34 CFR § 300.536
NO
YES
By the 10th cumulative school day of removal in the same school year, the district must consult with at least one of the student's teachers to determine the extent to which FAPE services are needed to enable the student to continue to participate in the general ed curriculum, although in another setting, and to progress toward meeting IEP goals. 34 CFR § 300.5 30(d)(4)
Removal is a change in placement. 34 CFR § 300.536(a)(1)
Notify parents immediately of decision to change placement for disciplinary reasons, and of procedural safeguards under IDEA. 34 CFR § 300.530(h). Student is entitled to FAPE services as determined by the Team. 34 CFR § 300.530(d)(5)
Within 10 school days of decision to remove student for disciplinary reasons the district, the parent and relevant members of the IEP Team must review relevant information and make a manifestation determination. 34 CFR § 300.530(e)
Manifestation Determination: Is the conduct a direct result of the district's failure to implement the IEP? 34 CFR § 300.530(e) Does the conduct have a direct and substantial relationship to the disability?
YES to either
NO to both
Student's conduct is a manifestation of his/her disability. 34 CFR § 300.530(f)
If conduct was a direct result of failure to implement the IEP, the district must take immediate steps to remedy those deficiencies and review. 34 CFR § 300.530(e)(3)
Conduct a functional behavioral assessment and develop a behavioral implementation plan, or review and modify an existing plan as needed. 34 CFR § 300.530(f)(1)(i)-(ii)
And return student to placement unless (1) parent and district agree to a different placement, (2) hearing officer orders new placement, or (3) removal is for "special circumstances" under 34 CFR § 300.530(g). 34 CFR § 300.530(f)(2)
Student's conduct is not a manifestation of his/her disability. 34 CFR § 300.530(c)
May apply relevant disciplinary procedures in the same manner and for the same duration as to students without disabilities. 34 CFR § 300.530(c)
IEP Team determines extent to which FAPE services are needed to enable the student to continue to participate in the general ed curriculum and progress toward meeting IEP goals. 34 CFR § 300.530(d)(5)
Provide, as appropriate, functional behavioral assessment and behavioral intervention services and modifications. 34 CFR § 300.530(f)(1)
Return student to placement when the disciplinary period expires unless parent and school agree otherwise or student is lawfully expelled

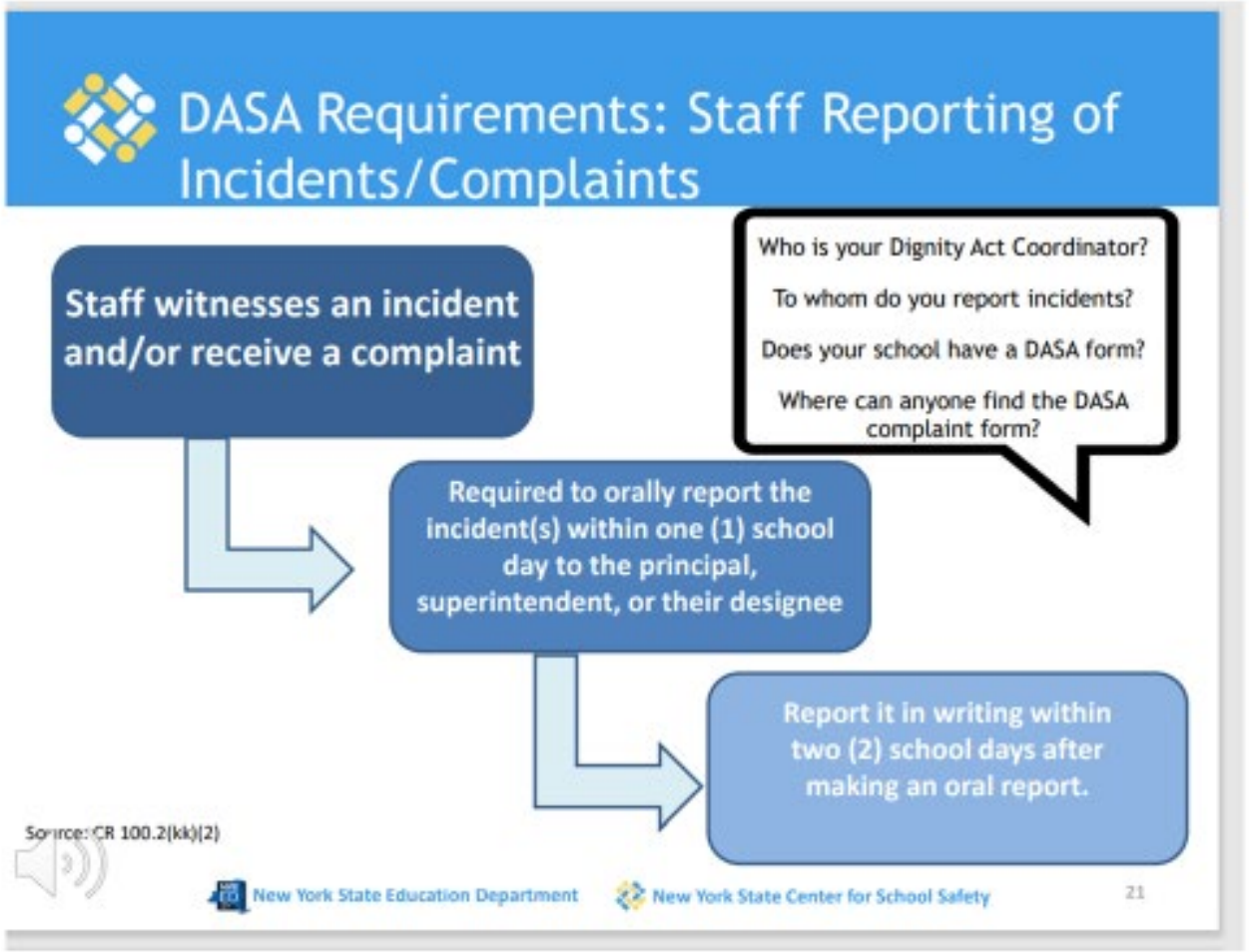
DIGNITY FOR ALL STUDENTS

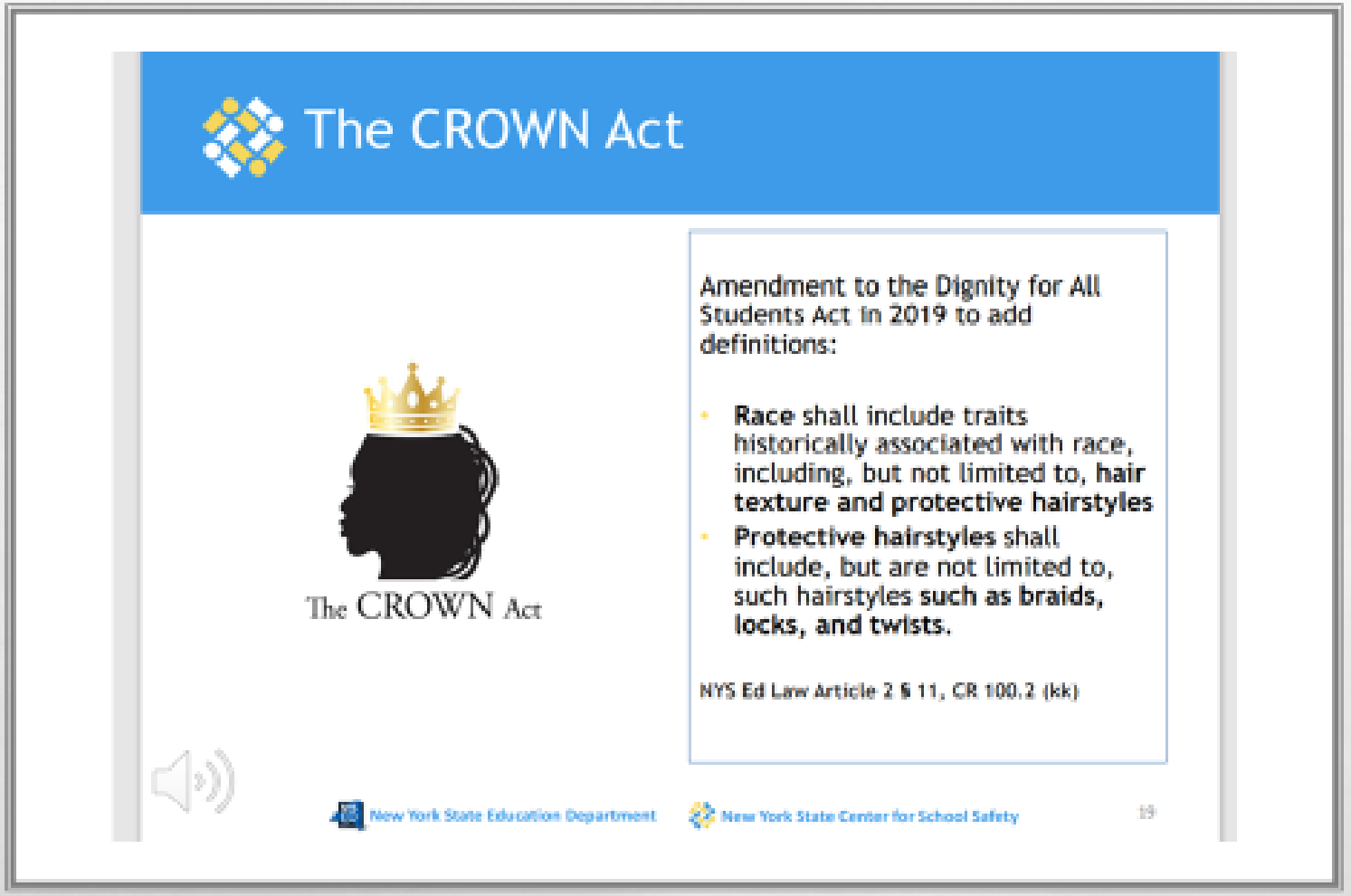
DASA TRAINING FOR SCHOOL EMPLOYEES | NYSCFSS.ORG



Dignity Act

- No student shall be subjected to harassment by employees or students on school property or at a school function;
- Nor shall any student be subjected to discrimination based on their actual or perceived:
  - color
  - weight
  - national origin
  - ethnic group
  - religion
  - religious practice
  - disability
  - sexual orientation
  - gender identity, or
  - sex


DASA Requirements: Staff Reporting of Incidents/Complaints
Staff witnesses an incident and/or receive a complaint
Who is your Dignity Act Coordinator?
To whom do you report incidents?
Does your school have a DASA form?
Where can anyone find the DASA complaint form?
Required to orally report the incident(s) within one (1) school day to the principal, superintendent, or their designee
Report it in writing within two (2) school days after making an oral report.
Source: CR 100.2(kk)(2)
New York State Education Department
New York State Center for School Safety
21



- Additional illustrative examples of discrimination based on natural hair or hairstyles include a report regarding:
- Punishment,
- Differential treatment or humiliation of a student, or
- Exclusion of a student from a school function, athletic team or school yearbook, based on hair texture or protective hairstyle,
- The request to alter or actual alteration of a protective hairstyle

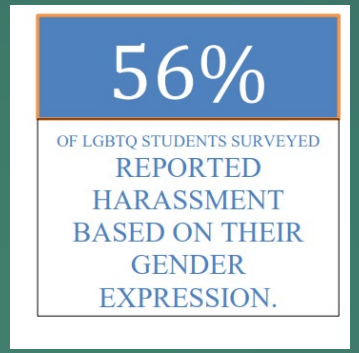
NYS Ed Law Article 2 § 11, CR 100.2

Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices

Laws to Protect Students

New York State's robust anti-discrimination laws illustrate the state's commitment to ensuring that all students are educated in a safe and supportive school environment

New York State Human Rights Law (HRL), amended by the Gender Expression Non-Discrimination Act (GENDA), expressly prohibits discrimination by educational institutions against students and applicants based on their actual or perceived sex and gender identity or expression—meaning their actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender



The Gender Recognition Act (GRA) is a comprehensive bill that updates and clarifies many issues related to name changes and correcting sex designations/gender markers on identity documents for transgender and nonbinary New Yorkers

Prohibiting a student from accessing the restrooms that match [their] gender identity is prohibited sex discrimination under Title IX

New York State Education Law §3201-a prohibits discrimination based on sex with respect to admission into or inclusion in courses of instruction and athletic teams in public schools.

How does the Dignity Act Relate to SAVE Requirements?

Code of Conduct CR 100.2(l)

- Code of Conduct language must be amended – in age-appropriate language
- Prohibition of discrimination and harassment of students by students or staff

School Safety and the Educational Climate (SSEC) Reporting
(combines VADIR and DASA reporting)

Instruction in civility, citizenship and character education CR100.2(c)

- Educators in grades K-12 will be required to teach students civility and social skills to encourage a welcoming and positive school environment.

Incident Reporting Form
(For District/School Files Only)

I. To be completed by person 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?

Individual Incident Report (IIR) Form

Education Law §2802 and the Commissioner's regulation 100.2 (gg) require schools to report all violent or disruptive incidents that occur during the school year and summer months, between July 1 and June 30, including when summer school is in session. ***It is expected that schools collect the required information (below), electronically or in paper form****, using a format such as the Individual Incident Report (IIR). The format should be the basis for the submission of the annual School Safety and the Educational Climate (SSEC)Summary Data Collection Form.* ***Do not send copies of IIR forms to SED.***

Category of Incident (Check any that apply):

1. Homicide	
2a. Forcible Sex Offenses	
2b. Other Sex Offenses	
3a. Assault-Physical Injury	
3b. Assault-Serious Physical Injury	
4a. Weapons Possession: Routine Security Checks	
4b. Weapons Possession: Other	
5a. Materials Incidents of Discrimination, Harassment, and Bullying (all excluding Cyberbullying)	
5b. Cyberbullying	
6. Bomb Threat	
7. False Alarm	
8. Use, Possession, or Sale of Drugs	
9. Use, Possession, or Sale of Alcohol	

Items to Discuss and Consider

1 Have you reviewed related policies and practices?

- Violence prevention,
- Crisis response,
- seclusion,
- sexual harassment,
- workplace conflict,
- relationship with criminal justice authorities,
- support personnel,
- physical restraint policy,

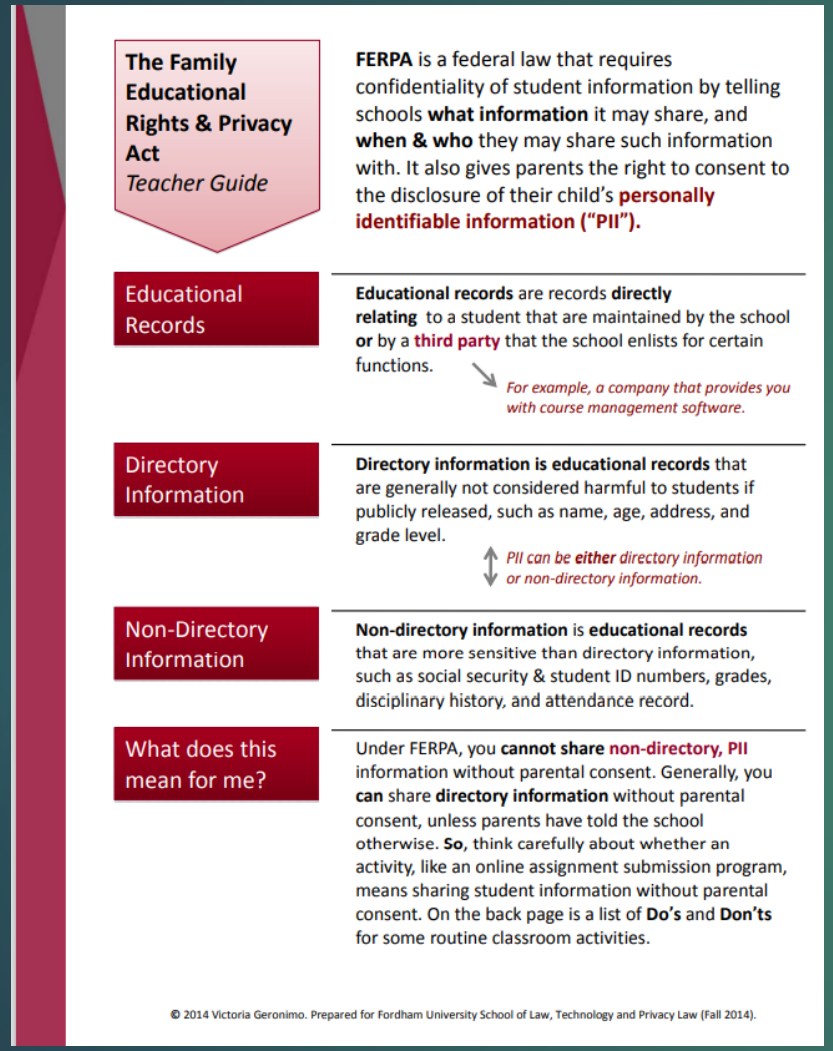
2. Do the Student and Staff Handbooks correlate with the Code of Conduct and other related policies?

3. How does the School Safety and Educational Climate (SSEC) Summary Data Collection Form compare with your information and supporting documentation of incidents in the district?

Record Keeping and Recording Student Behaviors

1. Identify common definitions and reporting terms
2. Observe and report student behaviors
3. Recognize signs of possible school violence and aggression
4. Identify harassment, bullying, cyber bullying
5. Review the use of anecdotal record keeping
6. Protect student information (FERPA)

Family Educational Rights And privacy Act (FERPA)



The Family Educational Rights & Privacy Act
Teacher Guide

FERPA is a federal law that requires confidentiality of student information by telling schools **what information** it may share, and **when & who** they may share such information with. It also gives parents the right to consent to the disclosure of their child's **personally identifiable information ("PII").**

Educational Records

Educational records are records **directly relating** to a student that are maintained by the school **or** by a **third party** that the school enlists for certain functions.

For example, a company that provides you with course management software.

Directory Information

Directory information is educational records that are generally not considered harmful to students if publicly released, such as name, age, address, and grade level.

*PII can be **either** directory information or non-directory information.*

Non-Directory Information

Non-directory information is **educational records** that are more sensitive than directory information, such as social security & student ID numbers, grades, disciplinary history, and attendance record.

What does this mean for me?

Under FERPA, you **cannot share** non-directory, PII information without parental consent. Generally, you **can** share **directory information** without parental consent, unless parents have told the school otherwise. **So**, think carefully about whether an activity, like an online assignment submission program, means sharing student information without parental consent. On the back page is a list of **Do's** and **Don'ts** for some routine classroom activities.

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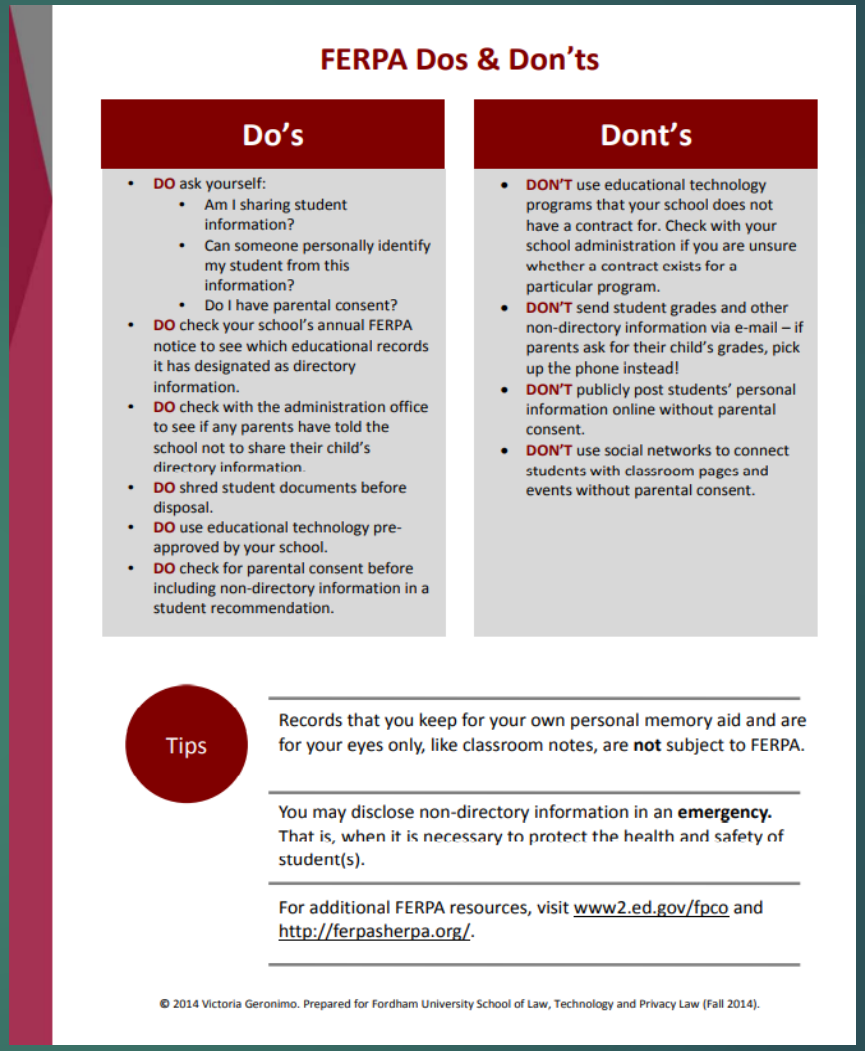

FERPA Dos & Don'ts

Do's

- **DO** ask yourself:
  - Am I sharing student information?
  - Can someone personally identify my student from this information?
  - Do I have parental consent?
- **DO** check your school's annual FERPA notice to see which educational records it has designated as directory information.
- **DO** check with the administration office to see if any parents have told the school not to share their child's directory information.
- **DO** shred student documents before disposal.
- **DO** use educational technology pre-approved by your school.
- **DO** check for parental consent before including non-directory information in a student recommendation.

Dont's

- **DON'T** use educational technology programs that your school does not have a contract for. Check with your school administration if you are unsure whether a contract exists for a particular program.
- **DON'T** send student grades and other non-directory information via e-mail – if parents ask for their child's grades, pick up the phone instead!
- **DON'T** publicly post students' personal information online without parental consent.
- **DON'T** use social networks to connect students with classroom pages and events without parental consent.

Tips

Records that you keep for your own personal memory aid and are for your eyes only, like classroom notes, are **not** subject to FERPA.

You may disclose non-directory information in an **emergency.** That is, when it is necessary to protect the health and safety of student(s).

For additional FERPA resources, visit www2.ed.gov/fpco and http://ferpasherpa.org/.

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STEP 4:

- ORGANIZE

Shared Definitions

POWER

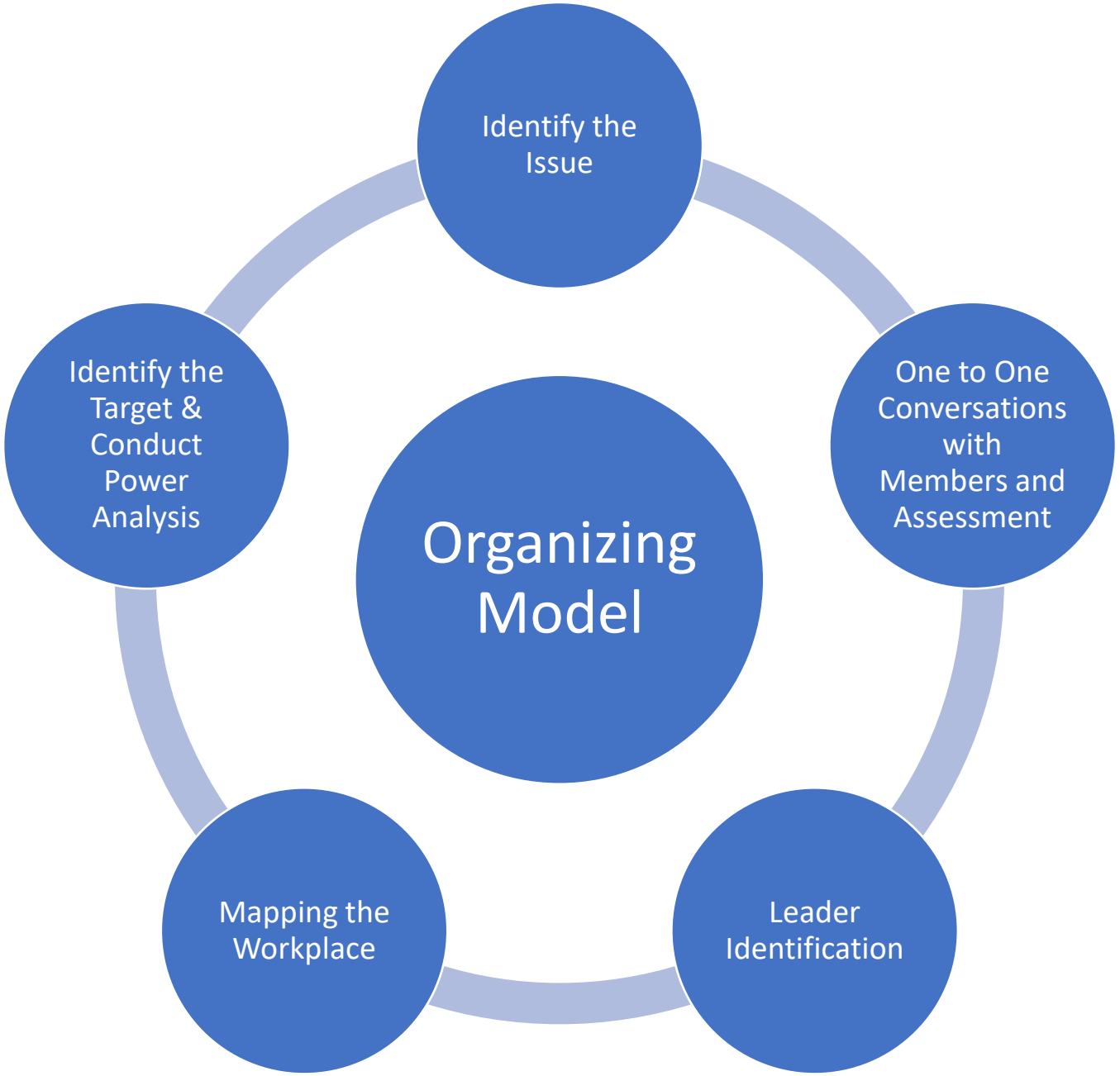
is the ability to achieve a purpose.

ORGANIZING

is utilizing relationships to create action; how working people build collective power to bring fairness and voice to their jobs and strengthen the institutions where they work.

RELATIONSHIPS

The mutual exchange of interests and resources that results in commitment.


Identify the Issue
One to One Conversations with Members and Assessment
Leader Identification
Mapping the Workplace
Identify the Target & Conduct Power Analysis
Organizing Model

A 1:1 is an intentional conversation rooted in deep listening, with the intention of establishing a relationship and identifying mutual self-interest to move toward action.

Attitudes to Bring: Courage and Curiosity!

Listen – don't preach. Build a conversation in which you are a learner about their experience, and about their jobs rather than you giving a speech. You should aim to follow the 75:25 rules where you listen to the member 75% of the time and talk only 25%. There is a tendency for us to try to sell the worker on "the union."

Don't assume. You may think you know what the issues are, but frequently you will be surprised. Different issues matter to different people – ask and listen.

Don't argue. You are not trying to win a debate or score points. All you do by arguing is to make the person defensive. Give the member a chance to ask questions and voice concerns.

CHECKLIST: CHOOSE TACTICS THAT FIT

Your escalating campaign is made up of many tactics. A tactic could be mild, like a survey, or militant, like a work slowdown. It could be traditional, like a picket, or it could be a creative stunt a member just dreamed up. When your group is weighing what tactic to try next, here are some factors to consider:

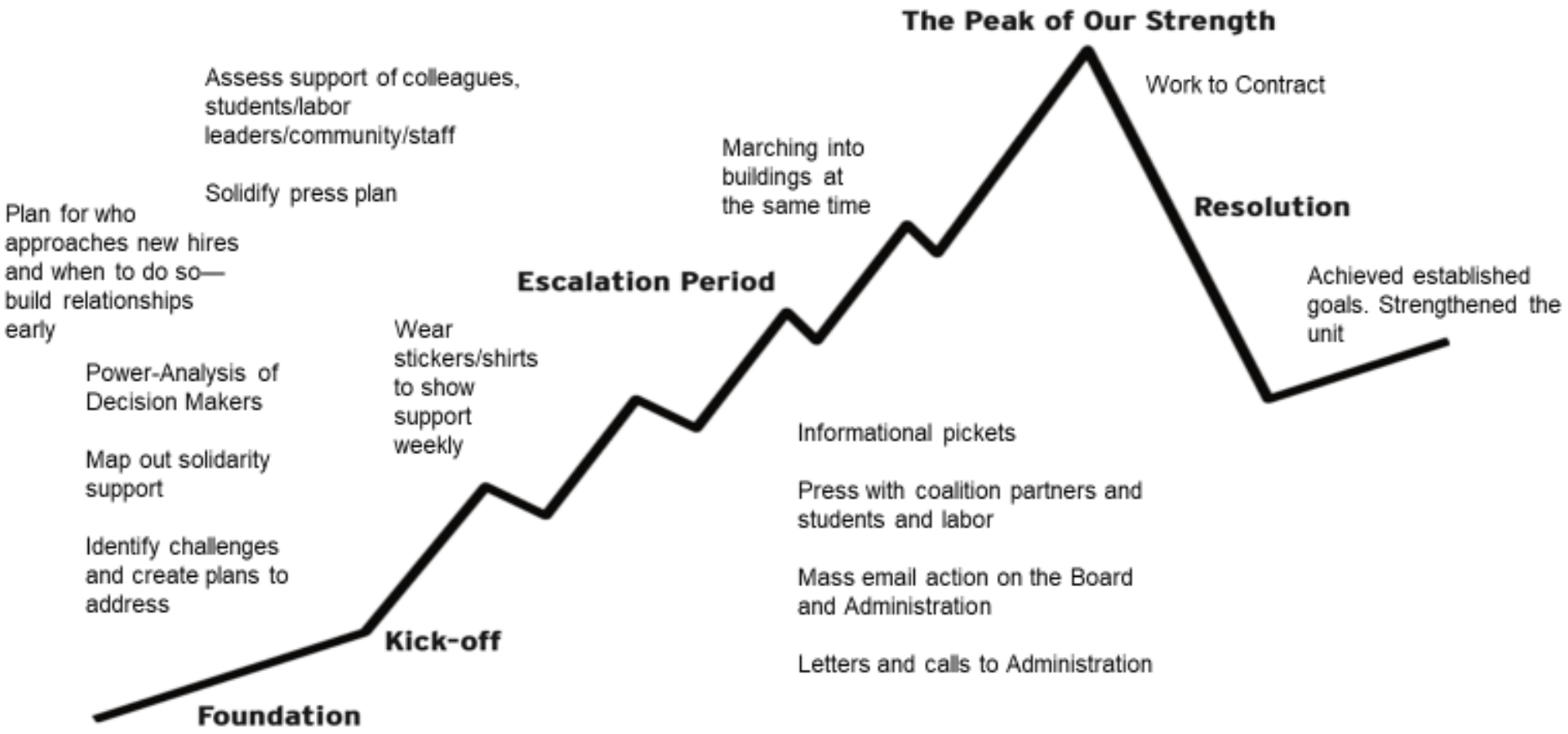
- Does the action relate to your issue?
- Will it increase the pressure on the decision-maker?
- Is it simple?
- Is it visible?
- Is it timed for effect?
- Is it new and different—or tried and true?
- Are enough people ready to do it?
- How will others react?
- Will it unify people?
- How will management react?
- Could it backfire?
- Does it violate the law or the contract?
- If so, are you prepared for the consequences?
- Will it be fun?

Escalating Campaign

- Kick off and Escalation
- What other activities should we plan that keep our members informed, engaged, agitated?
- Identify which activities should occur and when?
  - After each activity how do you evaluate it?
  - Do expect more people to participate?
  - Each activity should involve increased risks.
- Which activity should be at the peak of our mountain? Why?
  - After each activity are we getting closer to resolving our problem?

CAMPAIGN MOUNTAIN

Phases of a Campaign



STEP 5:

- NEGOTIATING CONTRACT LANGUAGE

STEP 6

- HOLD THE EMPLOYER ACCOUNTABLE

LET'S GET TO WORK!

- WORK WITH YOUR GROUP TO DEVELOP A PLAN THAT MEETS THE SPECIFIC NEEDS OF YOUR LOCAL