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Contact: Maria Cilenti - Director of Legislative Affairs - mcilenti@nycbar.org - (212) 382-6655

June 29, 2010

The Honorable David A. Paterson
New York State Governor
Executive Chamber
State Capitol
Albany, NY 12224

Re: A.3661-C/S.1987-B, the Dignity for All Students Act

Dear Governor Paterson:

We are writing on behalf of the Lesbian, Gay, Bisexual and Transgender Rights Committee, Sex and Law Committee and Council on Children to urge you to sign A.3661-C/S.1987-B into law once it is delivered to your office by the Assembly.

The Dignity for All Students Act (“DASA”) would amend the New York Education Law to require the Commissioner of Education to establish policies and procedures to afford all students in public schools an environment free of harassment and discrimination. Acts of harassment and discrimination are defined under this bill as being based on, *but not limited to*, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) and sex. The prohibited conduct must create a hostile environment that would or could unreasonably and substantially interfere with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being or would reasonably be expected to cause a student to fear for his or her physical safety.

Student harassment and bullying are a growing epidemic in our schools. Pervasive harassment and bullying make schools hostile places, undermining students’ ability to flourish. Prevention mechanisms need to be put in place to combat this issue and DASA provides those mechanisms. This legislation includes anti-harassment training programs for students, teachers and administrators and assistance to students who face harassment and bullying. In addition, it implements reporting mechanisms to elucidate the scope of the problem.

During the Senate debate, a few legislators raised two concerns: (i) the bill’s inclusion of a list of protected classes under the definition of harassment, and (ii) the fiscal impact of enacting such legislation. However, as accurately explained in the sponsor’s memo, “[t]he purpose of listing these protected classes is to provide examples of the types of status-based harassment frequently encountered by students without in any way limiting the application of the definition to individuals in those classes.” The text of DASA is also written so that the definition of harassment remains all-inclusive. The prohibited conduct may be based on one of the classes listed, but very well may be based on some other characteristic of the student, which would still

fall within the ambit of the bill so long as the conduct rises to the level of harassment or discrimination as defined in the bill.

The language, structure and timing of the legislation provide a reasonable approach to the fiscal implementation of DASA. The most recent amendment to the bill changes the effective date to July 1, 2012, permitting proposed budgets at the state and local levels to include consideration of the implementation plans before the law takes effect. Also, as many of the provisions in DASA correlate to the programs already required of school districts by the Safe Schools Against Violence in Education (“SAVE”) legislation, the overall cost of enacting the legislation will be lower since the basic framework is already in place.

This legislation has passed in the Assembly every year since 2002, most recently passing by a vote of 138 to 4 on May 17, 2010. The Senate passed DASA for the first time on June 22 by a vast majority of 58 to 3. We urge you to sign this important bill into law and give children a school environment free of bullying where they can learn and thrive.

Thank you for your consideration.

Sincerely,



Carmelyn P. Malalis
Chair, Lesbian, Gay, Bisexual & Transgender Rights Committee



Rachel L. Braunstein
Chair, Sex & Law Committee



Karen Freedman
Chair, Council on Children



Stephanie Gendell
Vice-Chair, Council on Children

Cc: Hon. Thomas K. Duane
Hon. Daniel J. O'Donnell