



NEW YORK STATE SENATOR

Malcolm Smith

Senator Smith And The Democratic Majority Aim At Providing All Students With A Safe Learning Environment

MALCOLM A. SMITH July 7, 2010

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Senate Passes Landmark Dignity For All Students Act

(Albany, NY)- Today, Senator Malcolm A. Smith and the Senate Democratic Majority passed the Dignity for All Students Act sponsored by Senator Tom Duane (D-Manhattan). This legislation aims to provide all students with a safe school environment conducive to learning by putting an end to harassment and discrimination based on race, color, weight, national origin, ethnic group, religion, disability, sexual orientation, gender, or sex.

“Every student deserves to be respected and to go to school without fear of being bullied or harassed,” Senator Smith said. “A safe and supportive environment is critical to being able to focus and perform well in school.”

In order to address these issues and establish a safer, more constructive school environment, this bill would:

- Prohibit harassment or discrimination against students by employees or students while on school property or on school grounds.
- Define “harassment” as the creation of a hostile environment by conduct, verbal threats, intimidation or abuse that has or would unreasonably interfere with educational performance, opportunities, benefits, or physical or emotional well being, or cause fear for physical safety.

- Prohibit discrimination based on an individual's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

The continuing need for this legislation is apparent from recent data demonstrating the prevalence of bias-based harassment in New York schools. A survey commissioned by the Gay, Lesbian and Straight Education Network (GLSEN) found that more than one-third (39%) of New York students reported that bullying, name calling, and harassment is a serious problem in school. Students were asked about the frequency of witnessing other students bullied, called names, or harassed in school.

From Teasing to Torment: A Report on School Climate in New York (GLSEN 2005), revealed the most commonly reported harassment was based on physical appearance. Sixty-six percent (66%) of students reported that people at school were harassed at least sometimes because of their looks or body size, with 38% reporting that this happened often or very often. This bill therefore now includes weight as one of the examples contained in the non-exclusive list at the end of the harassment definition.

Bullying and harassment based on how people expressed their gender, or because of their actual or perceived sexual orientation was also very common. Fifty seven percent (57%) of respondents reported that students were bullied or harassed at least sometimes because of the way they expressed their gender, and about a quarter (23%) said these behaviors occurred often or very often. More than five out of ten (52%) reported that students were harassed because they were or were perceived to be lesbian, gay, or bisexual, even as only 5% identified as being so. About a quarter (24%) said these behaviors occurred often or very often.

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