



BROCKPORT

Central School District

Dignity for All Students Act (DASA) Definitions as prescribed by Education Laws/Regulations

How do I know if the conduct violates DASA? (Ed. Law § 11)

- **“Harassment”** and **“bullying”** shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:
 1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
 2. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
 3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
 4. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

- **“Cyberbullying”** shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

- **“Discrimination”** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

- **“Threats, intimidation or abuse”** shall include verbal and non-verbal actions.”

- **“Emotional harm”** that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

What about a single incident?

- Generally, we are looking for a pattern of behavior to rise to the level of a DASA violation, but this is not always true, as the Commissioner's regulations speak to a "material incident" of bullying, harassment, and/or discrimination occurred.
- A "**material incident**" is defined as a "single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, ... such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived [protected category]..."
- SED guidance has stated that some indicators to assist with this determination include: whether the incident has been repeated; whether there is an imbalance of power between the parties (e.g., an older vs. younger student and/or physically larger vs. smaller student); or whether the behavior does not fall within the DASA definition of an incident of bullying, harassment, or discrimination, or may be other prohibited behavior addressed by the Code of Conduct.