



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York City Council Committee on Education

RE: Oversight: Bullying, Harassment and Discrimination in New York City Schools – Protecting LGBT and Other Vulnerable Students

October 19, 2016

Good afternoon. My name is Gena Miller. I am a staff attorney and Equal Justice Works Fellow in the School Justice Project at Advocates for Children of New York (“AFC”), where I represent students who are bullied and accused of bullying with a special focus on LGBTQ students and students with disabilities. Each year, we help thousands of parents navigate the education system, and we receive numerous calls on our Helpline about the New York City Department of Education’s (“DOE’s”) failure to address bullying. While AFC has always provided advice and trainings on bullying, my fellowship is enabling the organization to address the issue more systemically.

A disproportionate number of LGBTQ students and students with disabilities, as well as students who fall under other vulnerable categories such as national origin, religion, and English Language Learner status, are the targets of bullying. Federal, New York State, and New York City law and policy require schools to intervene and prevent bullying. However, State Attorney General Eric Schneiderman’s report relating to the Dignity for All Students Act (“DASA”), issued on August 31, 2016,

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and AFC's experiences fielding complaints from parents and professionals indicate that schools throughout New York City are failing to report, investigate, prevent, and address bullying, harassment, and discrimination. The DOE's apparent non-compliance with DASA's reporting requirements prevents the identification of those schools with staff and students in need of intervention and support, as well as allocation of the resources necessary to build and sustain truly safe and positive school climates.

The effects of bullying are significant. Students who are bullied are more likely to experience depression, anxiety, lower academic achievement, and truancy and to drop out of school. Students who are LGBTQ or have disabilities have disproportionately high rates of school suspension, which experts suggest are attributable in part to behavior related to bullying. My own experience as a public high school teacher in Brooklyn illustrates this point. One of my struggling students with sporadic attendance was taunted constantly in other classes for his poor reading skills and suspected sexual preference. Faculty did not intervene. Frustrated by taunting and academic failure, the student had frequent outbursts. Branded "disruptive," the student faced repeated suspensions instead of receiving adequate supports to address his learning disability and the harassment he endured based on sexual orientation.



We offer several recommendations to the City Council to address this significant issue. First, we request that the City Council urge the DOE to better train school administrators, Respect for All Coordinators, teachers, guidance counselors, social workers, and superintendents on what constitutes bullying, how to prevent it, how to appropriately investigate it and intervene to stop it, and how to provide necessary supports to students who are both bullied and doing the bullying. It is critical that the DOE better train school staff not only on student-to-student bullying, but also on school staff harassment of students. Too often in our work we hear about overburdened and under-resourced school personnel who provoke, threaten, and otherwise harass students with behavioral challenges and push them out of school instead of providing them with the supports they need to succeed.

In addition, we strongly encourage the City Council and the Mayor to expand its investment in improving school culture and climate. When children engage in intimidating or disparaging behavior, it is sometimes due to undiagnosed or untreated mental illness that must be addressed in order to curb the behavior. At an American Academy of Pediatrics conference in 2012, researchers presented findings that children aged 6-17 who were considered to be engaged in bullying are more than three times as likely to experience depression, anxiety, and attention deficit disorder. The research suggests that if schools fail to appreciate that bullying is often a symptom of underlying mental health issues, many of our students on both sides of



the conflict dynamic will not be protected. We ask the City Council to urge the DOE to recognize this reality by ensuring that schools prioritize assessment for mental health issues and referral for necessary services when trying to resolve behavior involving bullying. Towards that end, we also ask the City Council to press the Administration to adopt and implement the Mayor’s Leadership Team on School Climate and Discipline’s recommendations on mental health.

Furthermore, we call on the City Council to urge the Mayor and the DOE to set forth a long-term strategic plan to fund, scale up over time, and effectively implement restorative practices throughout city schools. Aligned with contemporary research, DASA requires school districts to develop guidelines that use a progressive model – and not zero tolerance through automatic suspension – to address bullying. Strategic financial investments and planning will enable the DOE to effectively develop and implement age-appropriate responses, interventions, discipline, and education that varies according to the nature of the behavior, age, and particular history of each student, as required under DASA.

Additionally, we ask the City Council to recommend that the DOE list the name of the Respect for All Coordinator at each school on the home page of every school’s website. This will help ensure that every school appoints a Respect for All



Coordinator. It will also make it easier for parents and students to report bullying and harassment incidents.

Finally, while DASA requires school districts to report only material incidents of bullying to the state, schools are also required to log all instances of bullying in the DOE's Online Occurrence Reporting System, known as OORS, and promptly address them. We ask the City Council to strongly recommend that district superintendents and central DOE staff provide better oversight of schools to ensure regular and accurate data collection and analysis of bullying incidents and use this information to strategically allocate necessary resources.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.