



# Bias-based Harassment in New York City Public Schools:

A Report Card on the Department of Education's Implementation of Chancellor's Regulation A-832



This report was authored by the Sikh Coalition, the Coalition for Asian American Children and Families (CACF), and the Asian American Legal Defense and Education Fund (AALDEF).



The Sikh Coalition is a community-based organization that works towards the realization of civil and human rights for all people. In particular, we work towards a world where Sikhs may freely practice and enjoy their faith while fostering strong relations with their local community wherever they may be.



The Coalition for Asian American Children and Families (CACF), the nation's only pan-Asian children's advocacy organization, aims to improve the health and well-being of Asian Pacific American children and families in New York City.



Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

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# WHAT YOU WILL FIND IN THIS REPORT CARD

## PART 1

Bias-based Harassment: A Report Card on DOE Implementation of Chancellor’s Regulation A-832.....5

## PART 2

- Bias-based Harassment Trends in NYC Public Schools.....6
- Staff-to-student harassment.....8
- Has the New Regulation Made an Impact? .....9

## PART 3

Recommendations.....11

## APPENDIX

Demographics, Methodology, Notes .....14

## BACKGROUND

On September 3, 2008, Mayor Michael Bloomberg and Schools Chancellor Joel Klein announced Chancellor’s Regulation A-832, which established a procedure for addressing student-to-student bias-based harassment, intimidation, and bullying.<sup>1</sup> Community groups and advocates stood with the Mayor and Department of Education (DOE) leadership in announcing the Regulation, applauding it as an important step in the right direction. Since last fall, The Sikh Coalition, Asian American Legal Defense and Education Fund (AALDEF), Coalition for Asian American Children and Families (CACF), and the New York Civil Liberties Union (NYCLU) have been leading an initiative to monitor and assess the implementation of the new regulation. Through surveying over 1,100 students and educators in New York City public schools, we have learned that a wide gap exists between the mandates and promise of the Regulation and the condition of our youth in City schools.

This Report Card summarizes the findings of these surveys and provides an assessment of the implementation of Chancellor’s Regulation A-832 in the first school year of its existence.

***“My school is doing a very poor job at preventing bullying and harassment. Students are constantly bullied and do not like school because of it. I have tried to hold bullying workshops inside my own classroom to alleviate the bullying, but it needs school-wide attention to be stopped.”***

— Teacher, Bronx



# EXECUTIVE SUMMARY

## KEY FINDINGS:

### LACK OF STUDENT KNOWLEDGE OF HOW TO REPORT BIAS-BASED HARASSMENT

- 76% of students do not know they can report harassment by emailing [respectforall@schools.nyc.gov](mailto:respectforall@schools.nyc.gov).
- Only 42% of students report that there is a primary staff point person to contact about bias-based harassment at their school.

### LACK OF SCHOOL IMPLEMENTATION OF HARASSMENT PREVENTION MEASURES

- 73% of students have not seen a “Respect for All” poster in their schools.
- 80% of students have not attended a training or presentation on “Respect for All” or diversity.

### LACK OF SCHOOL INVESTIGATION & FOLLOW UP AFTER REPORTED BIAS-BASED HARASSMENT

- Only 34% of alleged victims who reported harassment to their school state that their parents were notified by the school.
- Only 15.8% of alleged victims who reported harassment to their school state that school officials prepared a written report with the results of the investigation.
- 80% of alleged victims who reported harassment to their school were not offered counseling services after the incident.

Our survey results clearly indicate that Chancellor’s Regulation A-832 is far from being fully implemented in most schools throughout New York City. Fortunately, the DOE’s Office of School and Youth Development (OSYD) has responded to bias-based incidents in schools promptly and effectively when community organizations have alerted them of these incidents. We have developed a positive working relationship with the OSYD in working to follow up on bias-based harassment incidents in City schools and in many cases have delivered awareness presentations and trainings for students and staff in schools where bias-based attacks have occurred.<sup>2</sup> While we applaud the DOE’s responsiveness to our reports of bias-based harassment, our surveys indicate that Chancellor’s Regulation A-832 is still not fully implemented on the school level, and that the DOE does not hear about the vast majority of bias-based incidents occurring in City schools on a daily basis.

## RECOMMENDATIONS

This Report Card concludes with a few key recommendations for how the Mayor and Department of Education should move forward to address bias-based harassment and bullying in New York City schools more effectively.

1. **Fully implement Chancellor’s Regulation A-832, and allocate resources so it can be properly implemented.**
2. **Expand the Regulation to include security agent-, teacher-, and staff-to-student bias-based harassment.**
3. **Further detail and expand student and staff training requirements in the Regulation.**
4. **Implement a process of transparency, accountability, and public reporting.**

# PART 1: BIAS-BASED HARASSMENT: A REPORT CARD ON DOE IMPLEMENTATION OF CHANCELLOR’S REGULATION A-832

| What the Chancellor’s Regulation Says  | The Reality <sup>3</sup>  | DOE’s Grade <sup>4</sup> |
|--|---|--------------------------|
| “Student[s] may contact the Office of School and Youth Development (OSYD) by e-mailing the complaint to RespectforAll@schools.nyc.gov”.  | 24.2% of students know they can report harassment to this email address.  | <b>D</b>                 |
| “Each principal must designate at least one staff member to whom reports of bias-based harassment, intimidation and/or bullying can be made.”  | 42% of students report that there is a staff point person at their school.  | <b>C</b>                 |
| “Each school must conspicuously post ‘Respect for All’ posters in locations accessible to students, parents and staff.”  | 26.8% of students have seen a “Respect for All” poster in their school.   | <b>D</b>                 |
| Each principal must submit “a plan for providing information and training on this regulation...for all students and staff annually.”   | 46% of students are aware of the Chancellor’s Regulation.   | <b>C</b>                 |
| Each principal must submit “a plan for providing... training on this regulation and respect for all students and staff annually.”  | 19.7% of students have attended a training on respect for all or diversity.   | <b>F</b>                 |
| When harassment is reported, the principal/designee must “ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when it took place and who may have witnessed it.” | 41.2% of alleged victims who reported harassment to their schools prepared or signed a written statement about what happened. <sup>5</sup>                    | <b>C</b>                 |
| “The principal/designee must also advise the parent(s) of the alleged victim of the allegations, unless the alleged victim informs the principal/designee of safety concerns in regard to such notification.”  | 34% of alleged victims who reported harassment to their school state that their parents were notified by the school.  | <b>D</b>                 |
| “The school shall report the results of its investigation of each complaint filed under these procedures in writing to the alleged victim within ten school days of the complaint...”  | 15.8% of alleged victims who reported harassment to their school state that school officials prepared a written report with the results of the investigation. | <b>F</b>                 |

***“Through the Department of Ed and my own school, I am absolutely unaware of any resources or guidance for addressing these issues.”***

— Teacher, Bronx

## PART 2: BIAS-BASED HARASSMENT TRENDS IN NYC PUBLIC SCHOOLS

**38%** of students surveyed report that they have witnessed bias-based harassment in their schools. **12%** more report that they may have witnessed bias-based harassment.

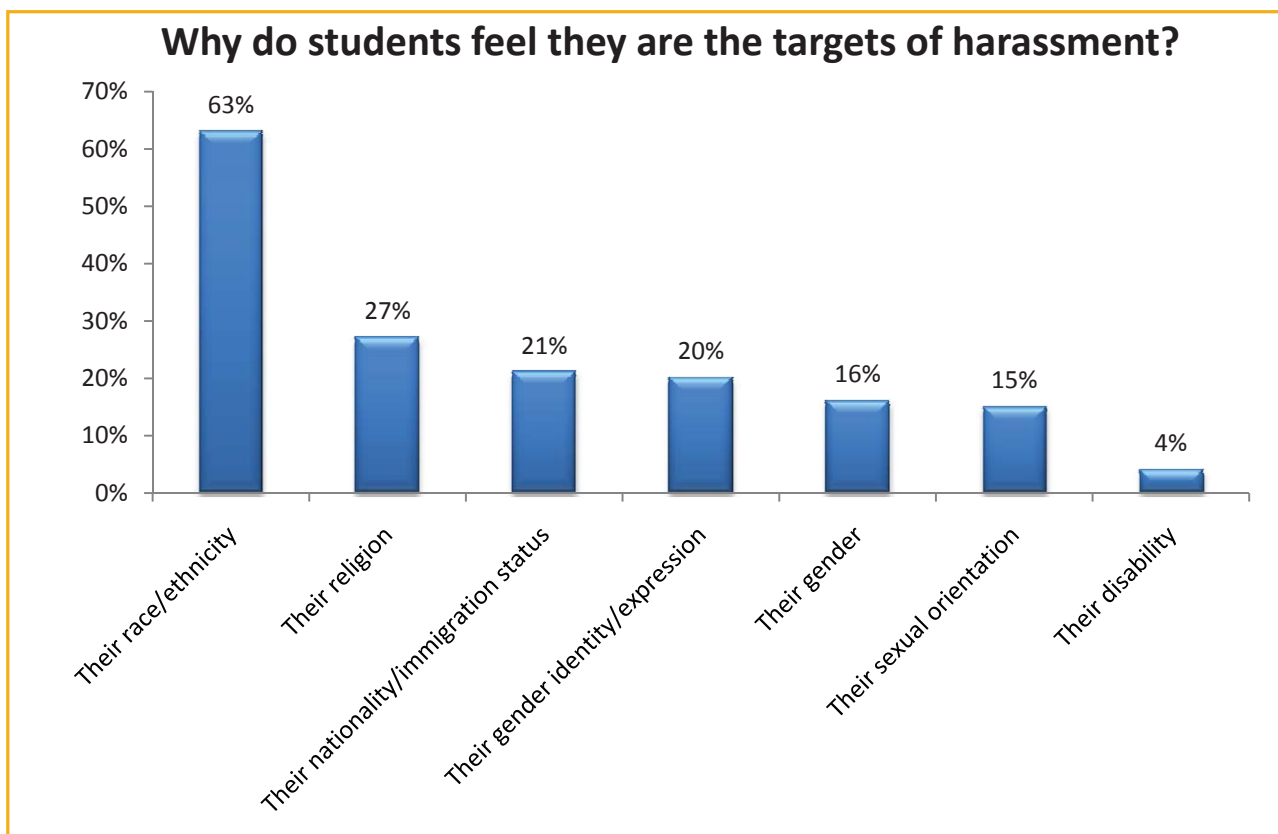
**26%** of students surveyed report that they have experienced bias-based harassment in their schools. **12%** more report that they may have experienced bias-based harassment.<sup>6</sup>

**12%** of all students surveyed answered “maybe” to both questions about whether they had witnessed bias-based harassment in their schools and whether they had experienced bias-based harassment directly. This indicates that a significant proportion of students are unclear about the definition of bias-based harassment and not sure what does and does not qualify as bias-based harassment. The fact that so many students answered “maybe” to these questions provides further evidence that students have not been properly trained on the Chancellor’s Regulation or on bias-based harassment in general.

### WHAT DOES THE HARASSMENT LOOK LIKE?

**18%** of all student reports of bias-based harassment include physical hitting and/or violence.

Other common types of harassment students reported include threats, unwanted touching or contact, and name-calling.



## THE UGLY FACE OF HARASSMENT

***“A group of...students were making fun of another Sikh boy wearing a turban. They called him ‘egg head.’ One kid told him, ‘that looks like a baseball on your head, I’m going to go get a bat and hit it off.’”***

— 5th Grader, Queens

***“Someone put a condom on my dastaar [turban] in biology class. I don’t know why they did it.”***

— 11th Grader, Queens

***“I’ve witnessed a young girl be harassed because she was Arab. They called her a terrorist.”***

— 10th Grader, Manhattan

***“[I’ve seen] virulent animosity and teasing of gays in my Spanish class, including the teacher.”***

— 11th Grader, Manhattan

***“I saw people touching this kid’s turban and forcing him to take it off. Someone [also] beat up a kid with a turban and took a switch blade on him.”***

— 7th Grader, Queens

***“People were calling Mexicans illegal.”***

— 10th Grader, Manhattan

***“I heard about a student who was beat up by 5 guys because he was gay.”***

— 11th Grader, Staten Island

## STAFF-TO-STUDENT BIAS-BASED HARASSMENT

**16%** of students who report experiencing bias-based harassment said that a teacher, staff member, or security officer was the harasser.

**8.4% were teachers**

**2.6% were school staff**

**5.0% were security officers**

Of the 62 students of African descent who report experiencing bias-based harassment, **32%** report harassment by school staff or security.

**19** of the **47** educators (40%) who witnessed bias-based harassment in their schools said that a teacher, staff member, or security officer was the harasser.

**21% were teachers**

**11% were school staff**

**9% were security officers**

*“We had a music teacher who would make East Asians sit in the back of the room in class because he was afraid of contracting SARS.”*

— 11th Grader, Manhattan

*“[I’ve witnessed] security guards making racist comments and pushing students.”*

— 10th Grader, Brooklyn

*“Administrators, staff, and teachers at my school accept and often condone bias-based harassment, and often harass students themselves based on disabilities.”*

— Teacher, Bronx

*“Some of the most egregious incidents have been done by staff.”*

— Administrator, Brooklyn

*“My AP [Assistant Principal] once used the word faggot while talking on the phone. He didn’t know that I could hear him.”*

— Teacher, Queens



## HAS THE NEW REGULATION MADE AN IMPACT?

Based on our survey data, there was no significant decline in rates of bias-based harassment for the 2008-09 school year due to implementation of the new Chancellor's Regulation. Among the 518 students who were aware of at least one aspect of the Regulation's implementation in their school, 25.7% reported experiencing bias-based harassment, and another 11.8% reported they may have experienced bias-based harassment.<sup>7</sup> Among the 335 students who were not aware of any implementation of the new Chancellor's Regulation in their school, 27.2% reported experiencing bias-based harassment and another 12.2% reported they may have experienced bias-based harassment.

These preliminary findings indicate that, thus far, implementation of the Chancellor's Regulation does not appear to decrease levels of bias-based harassment. Further research should be conducted to assess the Regulation's impact on rates of bias-based harassment.

However, implementation of the Chancellor's Regulation does appear to have a significant impact on whether students report bias-based harassment they experience.

**44%** of students who experienced bias-based harassment and said their school was implementing at least one part of the Chancellor's Regulation reported that incident to a school official.

By contrast, **ONLY 25.6%** of students who experienced bias-based harassment and said their school was not implementing any part of the Regulation reported the incident to a school official.

When awareness of the staff Respect for All point person at the school was added, the numbers became even more starkly different.

**57.1%** of students who experienced bias-based harassment that said their school was implementing at least one aspect of the Chancellor's Regulation and were aware of a staff Respect for All point person reported the incident to a school official.

By contrast, **ONLY 12%** of students who experienced bias-based harassment with no awareness of school implementation and no awareness of a staff Respect for All point person reported the incident to a school official.

Thus, while implementation of the Chancellor's Regulation does not yet seem to be having an impact on levels of bias-based harassment, it does appear to be having a significant impact on whether students report when they are being harassed.

Students were more likely to report incidents of bias-based harassment when they were aware of the places and people to whom to report incidents. The more students were aware of their rights, the more likely they were to exercise their rights.

### WHY STUDENTS WHO EXPERIENCED BIAS-BASED HARASSMENT DID NOT REPORT IT TO SCHOOL OFFICIALS:

*“I didn't know who to report it to.”*

— 11th Grader, Queens

*“I didn't think anybody would do anything about it.”*

— 10th Grader, Brooklyn

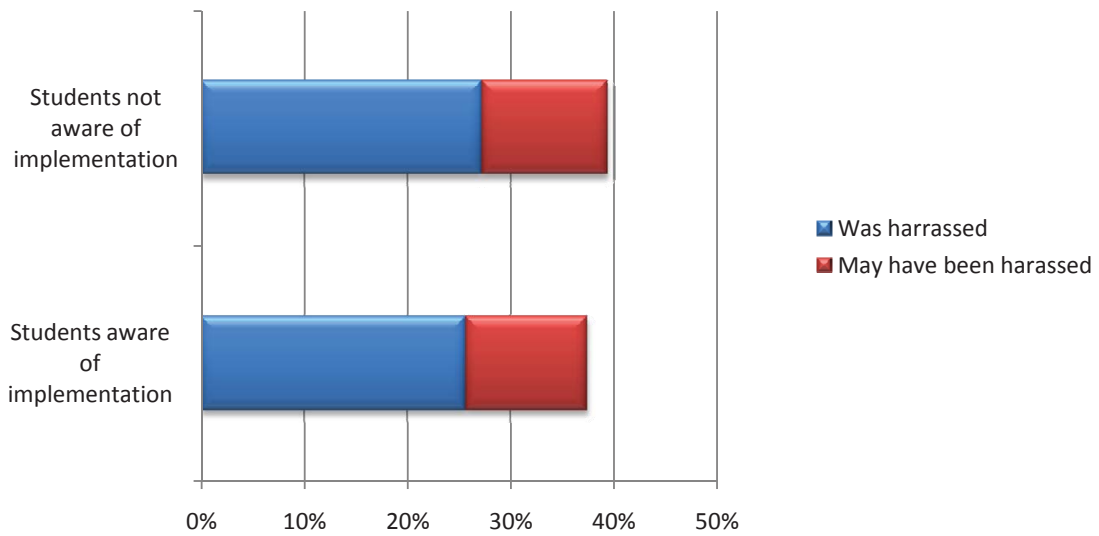
*“I was scared for my life.”*

— 8th Grader, Brooklyn

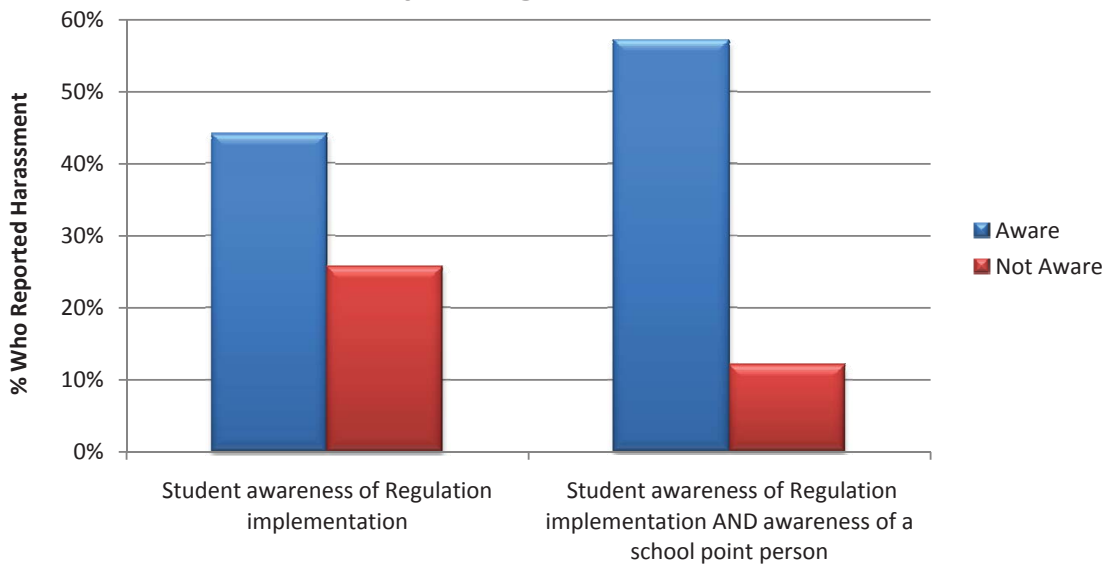
*“Who would believe me? What's the point?”*

— 12th Grader, Queens, harassed by security officer

## How School Implementation of the Regulation Affects Rates of Harassment



## How School Implementation of the Regulation Affects Reporting of Harassment



## PART 3: RECOMMENDATIONS

### 1. FULLY IMPLEMENT CHANCELLOR'S REGULATION A-832, AND ALLOCATE RESOURCES SO IT CAN BE PROPERLY IMPLEMENTED

Our survey results clearly indicate that Chancellor's Regulation A-832 is far from being fully implemented in most schools throughout New York City. The majority of students and educators we surveyed had never even heard of the new Regulation.<sup>8</sup> 73 percent of the nearly 1,000 students we surveyed had never seen the mandated Respect For All poster in their schools. Additionally, 80 percent of students we surveyed had not attended any trainings or presentations on "respect for all" or diversity issues.

Even more disturbing is that when students report bias-based harassment to their teachers or other school staff, the Regulation's protocol for investigation, tracking, and reporting is not being followed. Less than 1 out of 6 students who reported harassment to a staff member say that a written report on the investigation was produced by the school. According to student responses, only 10 percent of all reported cases of bias-based harassment resulted in appropriate follow up investigation and action as outlined in the Regulation.<sup>9</sup>

*“[After I was harassed,] I reported what happened to me to a teacher and she didn't do anything”.*

— 5th Grader, Queens

The central Department of Education is not finding out about bias-based incidents that are occurring every day in City schools due to the Regulation's lack of consistent implementation. As we survey youth in our respective communities and learn about particularly egregious incidents, we have reported these incidents directly to the DOE headquarters. The Office of School and Youth Development staff at the DOE have addressed and followed up with these incidents promptly and professionally. Many of these incidents have resulted in community groups coming into the schools and facilitating awareness workshops or presentations for students and/or educators. We applaud the DOE's responses to these incidents that we have reported to them directly.

*“My school does nothing about this issue. It is so prevalent that people feel powerless to prevent it.”*

— Teacher, Bronx

Nevertheless, students across New York City from diverse communities are subjected to horrible acts of bias and bigotry on a daily basis that the DOE is not hearing about. It is apparent that school staff members largely do not know what the Regulation requires. Ultimately, students are paying the price. 42 of the 58 educators we surveyed (72%) did not know they are required to report bias-based harassment they witness, and 53 of the 58 (91%) did not know they could report harassment to the [respectforall@schools.nyc.gov](mailto:respectforall@schools.nyc.gov) e-mail address.

Further, the DOE must ensure that even our most vulnerable students – including immigrants and other English Language Learners – are aware of Chancellor's Regulation A-832's protections, and empowered to speak out about incidents of bias-based harassment

We call on the NYC Department of Education to **fully implement Chancellor's Regulation A-832 and to allocate adequate resources to enable full implementation.** We are concerned that the Regulation is still just a promise that is not being delivered, a piece of paper that is making little difference in City schools. **The DOE must ensure that all school staff and security officers<sup>10</sup> are properly trained on the Regulation so they can implement it in their schools. We recommend an audit process through which the DOE can learn which schools are not complying and then take the proper steps to ensure compliance.**

Furthermore, Respect For All posters, brochures, and other materials must be widely accessible to all students, and available in translated form to meet student needs. As such, **these materials must be designated as “critical communications” under Chancellor’s Regulation A-633 and translated into the eight most commonly spoken languages of public school students in New York City.** While we commend the DOE for posting many of these translations on its website, DOE must also affirmatively ensure that translations of Respect For All materials are posted and distributed along with the English version in all schools.<sup>11</sup>

## **2. EXPAND THE REGULATION TO INCLUDE SECURITY AGENT-, TEACHER-, AND STAFF-TO-STUDENT BIAS-BASED HARASSMENT**

Our survey results indicate that 16% of students who say they experienced bias-based harassment were harassed by a teacher, staff member, or security officer.<sup>12</sup> The reality of staff- and security agent-to-student bias-based harassment is particularly troubling since the role of educators and security agents is to create an inclusive and safe school environment conducive to learning. One administrator from Acorn Community High School went so far to state, “Some of the most egregious incidents [of bias-based harassment] have been done by staff.” In addition to abusing their power over young people by subjecting students to bias-based harassment, staff and security agents who are involved or complicit in these incidents are setting a negative example for students and promoting a school culture where bias-based language and behavior thrive.

Currently, Chancellor’s Regulation A-832 only covers student-to-student bias-based harassment. **We call on the NYC Department of Education to expand the Regulation to include bias-based harassment perpetrated by educators, school staff, and security agents.**

## **3. FURTHER DETAIL & EXPAND STUDENT & STAFF TRAINING REQUIREMENTS IN REGULATION**

Currently, Chancellor’s Regulation A-832 simply states that each principal must submit “a plan for providing information and training on this regulation and respect for all to all students and staff annually.” The reality is that very few trainings are actually being conducted in City schools. According to our survey results, only 20% of students have attended some sort of training related to bias-based harassment, diversity, or “respect for all.” Only 7 of the 58 educators (12%) who filled out our survey reported attending a training or presentation related to these issues.

The language about training in the Regulation is far too vague. It is unclear what kind of training is expected of schools and what is the most effective to create an inclusive, bias-free learning environment in schools. If we intend to change the culture in our City’s schools to be respectful and inclusive of all students, regular and sustained training on diversity issues and on identifying and responding to bias-based harassment is critical. Our preliminary data show that simply implementing pieces of the Regulation (i.e. putting up the Respect for All posters or distributing brochures) does not seem to reduce rates of harassment in and of itself.<sup>13</sup> Therefore, **we recommend that the Department of Education deepen and further detail the training requirements in the Regulation as one important step in the right direction to changing our public school culture in a lasting way.**

*“This student in my class was teased about being gay, and did not identify as gay. Almost the whole class started making sexual gestures and jokes about it. The teacher witnessed what was going on [and] told the student being victimized that he should have stopped the incident before it got out of hand.”*

— 10th Grader, Manhattan

We recommend that the DOE implement the staff and security training requirements as laid out in the New York City Dignity in All Schools Act (DASA), which states that “training shall be given on a regular basis to all pedagogical staff and school safety officers to discourage the development of harassment by (a) raising the awareness and sensitivity of school employees to potential harassment, and (b) enabling employees to prevent and respond to harassment.”

In addition, the DOE should enhance the student training requirements in the Chancellor’s Regulation by incorporating DASA’s policy to “include guidelines to be used in presentations given to students about conduct and harassment issues. [DASA mandates that] such guidelines shall be designed to discourage the development of harassment by (a) raising the awareness and sensitivity of pupils regarding potential harassment, and (b) fostering empathy and empathetic conduct among students.”

***“The administration in this school is more focused on attendance numbers and grading policy than a positive learning environment.”***

— Teacher, Brooklyn

We also commend the DOE for expanding its intensive 2 day Respect For All curriculum, which originally focused solely on lesbian, gay, bisexual transgender (LGBT) issues, to touch upon other issues such as race and gender. We recommend further supplementing this curriculum to not only touch upon but fully delve into these other forms of bias.

#### **4. IMPLEMENT A PROCESS OF TRANSPARENCY, ACCOUNTABILITY, AND PUBLIC REPORTING**

Our survey results underscore the urgent need for transparency concerning bias-based harassment in our schools. Yearly public reporting concerning incidents and statistics of bias-based harassment, broken down by school and region, is necessary for the DOE to be meaningfully accountable to parents, students and community members about this pressing problem. According to our survey, 43% of all student respondents had either witnessed or personally experienced bias-based harassment in the 2008-2009 school year. This indicates that bias-based harassment continues to be a serious problem in our schools, and that public access to complete harassment statistics is necessary to reveal the full extent of this crisis.

Further, results from our survey indicate that the DOE’s current data collection and documentation practices on bias-based harassment are far from complete. Only 16% of alleged harassment victims in our survey said their school prepared a written report after the reported incident. Only 34% of alleged harassment victims said the school informed their parents about the reported incident. According to survey respondents, Chancellor’s Regulation A-832’s investigation protocol was not followed in 90 percent of all bias-based harassment incidents experienced by students who reported the incident to school officials.<sup>14</sup>

**We call upon the DOE to implement a system of full public reporting of incidents and statistics of bias-based harassment, broken down by school and region. Further, in order for such reports to be complete and accurate, the DOE must thoroughly train its staff and school safety agents on Chancellor’s Regulation A-832’s requirements to document, investigate and follow up on all incidents of bias-based harassment.**

***To my knowledge, there has never been a single culture, character, or tolerance-building initiative in my building throughout the two years I have taught there.”***

— Teacher, Bronx

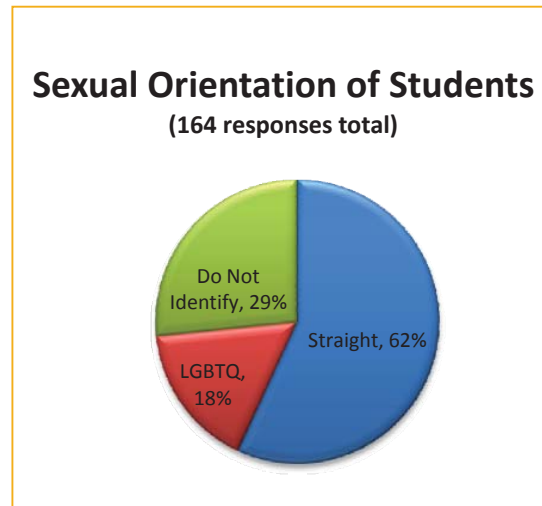
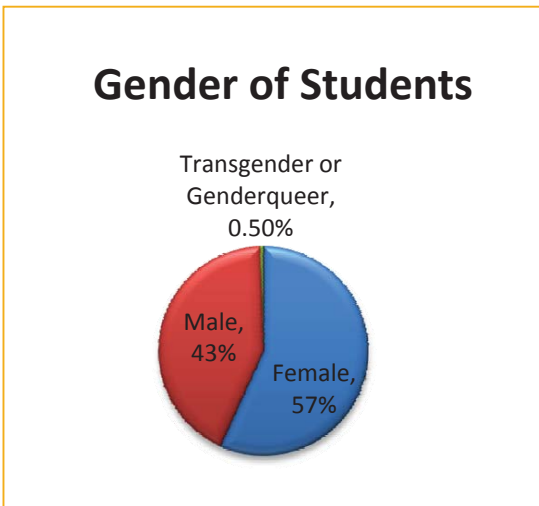
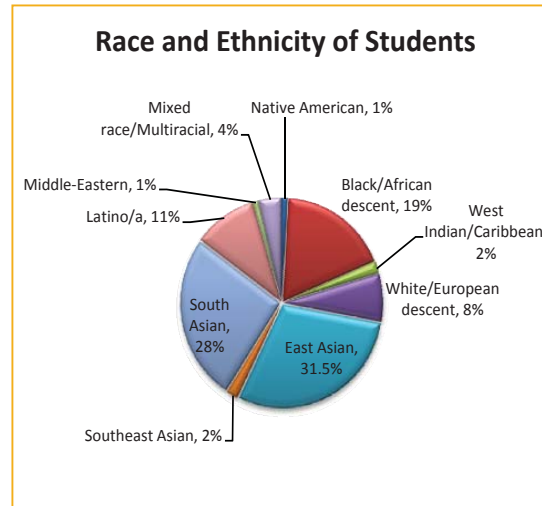
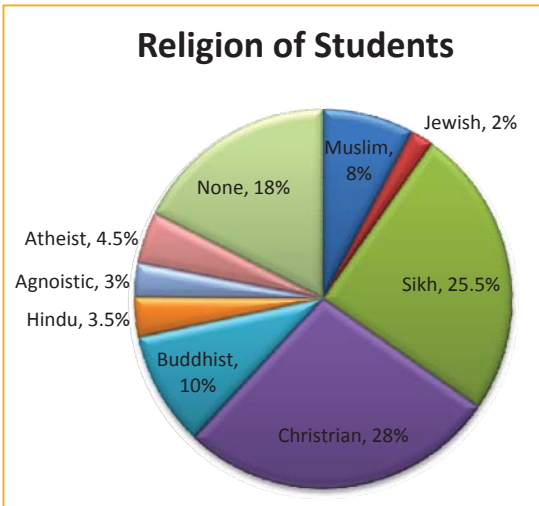
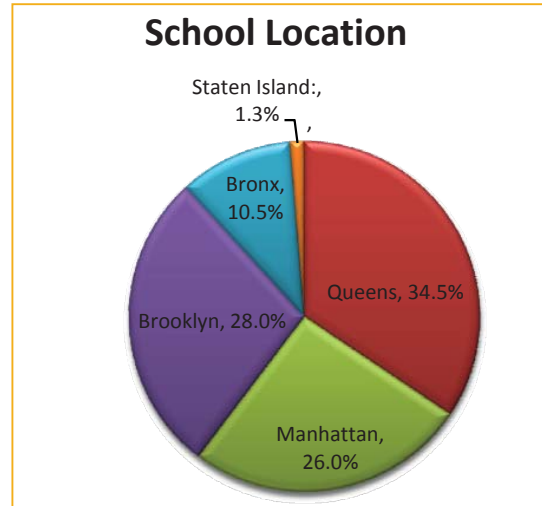
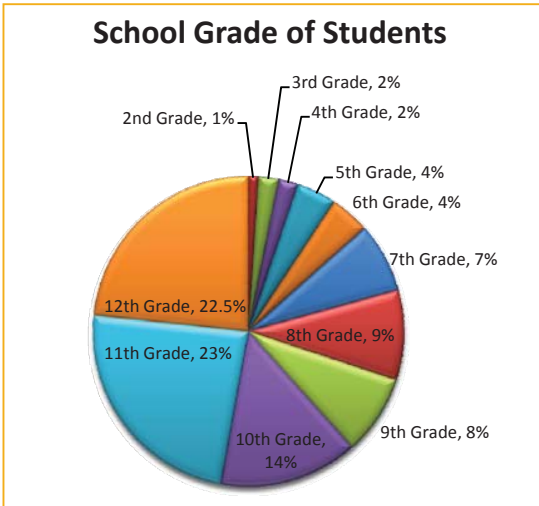


# APPENDIX

## STUDENT DEMOGRAPHICS:

TOTAL NUMBER SURVEYED: 1,123

TOTAL NUMBER OF COMPLETED, VALID SURVEYS: 979



## METHODOLOGY:

The data included in this report card was gathered from a process of surveying students and teachers from November 2008 through April 2009. For the student surveys, responses were collected through distributing an online survey using Survey Monkey as well as through paper surveys distributed through youth organizations, youth meetings, community centers and houses of worship.

A total of 1,123 student surveys were filled out, 686 in paper form and 437 on the internet. 979 of the total surveys responded “yes” to being a K-12 student at a public school in one of New York City’s five boroughs and completed all the required questions. These 979 were considered valid responses.

A total of 69 school staff surveys were filled out, 17 in paper form and 52 on the internet. The staff surveys were distributed online through e-mail lists and through community and teachers’ organizations. Of the 69 total responses, 58 surveys answered “yes” to being a teacher or staff member at a public school in one of New York City’s five boroughs and completed all the required questions. These were considered valid responses.

## NOTES:

1. Chancellor’s Regulation A-832 can be viewed in full here: <http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations>
2. We learned of many egregious cases of bias-based harassment through surveying youth in our communities. In many instances, students we surveyed experienced bias harassment that they reported to school officials, but no action was taken by the school. With the students’ permission, we followed up with the DOE’s Office of School and Youth Development (OSYD) to ensure the students’ safety and well-being. In three separate cases of ongoing harassment of Sikh students in Queens schools, the Sikh Coalition worked with the OSYD in following up with Sikh awareness trainings at these schools for students, teachers, and/or counselors.
3. These numbers are based on the results of 979 student surveys.
4. The grades assigned for each category are based on the following scale: 0-19.9% success – F; 20-39.9% success – D; 40-59.9% success – C; 60-79.9% success – B; 80-100% success – A.
5. A total of 110 students reported bias-based harassment to their respective school officials out of a total of 253 who say they experienced harassment and 115 more who say they may have experienced harassment.
6. The DOE’s 2007-2008 Learning Environment Survey, filled out by 410,708 NYC public school students, asks a few questions related to bullying and to bias in schools. The results included 49% of students reporting that “students threaten or bully other students at school” some of the time, 14% saying most of the time, and 11% saying all the time. Additionally, 35% of students reported that “there is conflict in my school based on: race, culture, religion, sexual orientation, gender, or disabilities” some of the time, 11% said most of the time, and 10% said all the time.
7. The survey measured students’ awareness of Chancellor’s Regulation implementation through a number of variables. Respondents were asked: 1) whether they were aware that they could report incidences of bias-based harassment via email; 2) whether they had attended a training, workshop or presentation on bias based harassment or Respect for All; 3) whether they had seen a poster about Respect for All in their schools; and 4) whether the respondent had received a brochure at home about Respect for All. The 518 students mentioned here answered “yes” to at least one of these questions. The survey also asked whether the school had a point person to whom students could report bias-based harassment. We did not include this in the implementation measure because many schools that had never implemented Respect For All might still have a trusted staff member students could go to for help when harassed.
8. According to survey results, 54% of students and 62% of teachers are not aware of the Chancellor’s regulation.
9. Of the 110 students who reported the harassment they experienced to school officials, 11 of them stated that school officials 1) interviewed them and witnesses about what happened; 2) asked them to prepare and sign a written statement about what happened; and 3) prepared a written report with the results of the investigation.
10. Our recommendations concern several categories of school staff, including security agents. While security agents are technically employees of the New York City Police Department (NYPD), not the DOE itself, the DOE can nonetheless impose conditions on NYPD staff working with DOE on school sites.
11. Issued on November 2, 2007, Chancellor’s Regulation A-663 can be viewed here: <http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations>
12. See note 10.
13. See page 7.
14. See note 11.

