



ONE STEP FORWARD

HALF A STEP BACK

A Status Report on Bias-Based Bullying of
Asian American Students in New York City Schools

Asian American Legal Defense and Education Fund
The Sikh Coalition

September 2013



CONTENTS

Executive Summary	5
Key Findings.....	7
Recommendations.....	8
Analysis	10
Snapshot: The Chancellor’s Regulation and the Reality on the Ground for Asian American Students	12
Has the New Regulation Made an Impact	14
Student Wall: Quotes from Asian American School Children.....	15



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EXECUTIVE SUMMARY

In September 2008, Mayor Michael Bloomberg and former Schools Chancellor Joel Klein announced Chancellor's Regulation A-832, which established policies and procedures on how New York City schools should respond to bias-based harassment, intimidation, and bullying in schools¹. The Asian American Legal Defense and Education Fund (AALDEF), the Sikh Coalition, and many other community organizations had long advocated for such measures and we applauded the city for taking a foundational step to ensure the safety of all students.

However, as the five-year anniversary of the anti-bullying Regulation approaches, our survey found a significant gap between the promise of bias-free public schools and the day-to-day reality of Asian American students.

To be fair, there are clear signs of hope. As we predicted when we first called for Chancellor's Regulation A-832 over five years ago, its implementation inspired action from schools to meet its standards. Our survey found important improvements in school efforts to address bullying that can be traced directly back to the precise requirements created by this Regulation, which we actively sought. Nevertheless, as our survey demonstrates, too many Asian American students continue to report that bias-based harassment is part of their educational experience.

In 2012, the Asian American Legal Defense and Education Fund (AALDEF), the Sikh Coalition, with help from community partners the Coalition for Asian American Children and Families (CACF) and CAAAV: Organizing Asian Communities conducted a "snapshot" survey of 163 Asian American students to shed light on the current

school climate in New York City public schools. This survey also serves as a follow-up to our 2009 survey on the school bullying of all New York City students, including Asian American students². We conducted the 2012 survey in afterschool programs, youth leadership meetings, and houses of worship throughout the city. Our goal was to compare and contrast the responses of Asian American students in our 2009 and 2012 surveys to assess whether progress was made in meeting the mandates of Chancellor's Regulation A-832.

We found that more Asian American students are reporting being subjected to bias-based harassment.

Exactly half of the students we surveyed reported experiencing bias-based harassment in school - a greater than 20% increase from the responses we received from Asian American students in the 2009 survey.

Our alarming findings in New York City mirror national studies, such as a 2009 United States Department of Justice study, which found that 54% of Asian American students who reported bullying at school were bullied in the classroom itself. Outside the classroom, Asian Americans reported being bullied on school grounds at a rate 20% higher than whites and 10% higher than the next closest racial group. Finally, Asian Americans reported experiencing cyber-bullying once or twice a month, at a rate 40% higher than other racial groups³.

¹ See "MAYOR BLOOMBERG, SPEAKER QUINN, AND CHANCELLOR KLEIN ANNOUNCE NEW ANTI-HARASSMENT INITIATIVES TO STOP BULLYING AND BIAS-RELATED INCIDENTS IN CITY'S PUBLIC SCHOOLS," Press Release, September 3, 2008. Accessible at: http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pagelD=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2008b%2Fpr341-08.html&cc=unused1978&rc=1194&ndi=1

² See "Bias Based Harassment in New York City Schools: A Report Card on the Implementation of Chancellor's Regulation A-832," July 1, 2009. Accessible at: <http://www.aaldef.org/Bias-based-Harassment-in-NYC-Public-Schools.pdf>

³ See "Student reports of bullying and cyber-bullying: Results from the 2009 School Crime Supplement to the National Crime Victimization Survey," 2011. Accessible at: <http://nces.ed.gov/pubs2011/2011336.pdf>



*“All New York City students
have the right to a safe
environment in school.”*

In addition, our 2012 survey revealed that major requirements of the Regulation, such as documented follow-ups to bullying incidents, are rarely implemented. Only 16.2% of survey respondents who reported bullying to their schools received a written report from their school, as required by the Regulation. Similarly, only 40.5% of the bullying victims surveyed reported that their parents were notified of their harassment, as required by the Regulation.

Nevertheless, there has been significant progress in meeting the Regulation’s mandates. Almost two-thirds of students reported seeing the Regulation-required “Respect for All” (RFA) posters, which make clear that bullying is prohibited in their schools. This is a significant increase from the 27% of students who reported seeing RFA posters during our 2009 survey. Similarly, while we are concerned with our finding that parents are notified of bullying incidents less than half the time, this is still double the number of students who reported parental notification in 2009. We also applaud the Department of Education’s (DOE) efforts in increasing student knowledge and awareness of “Respect for All” week and hope that this

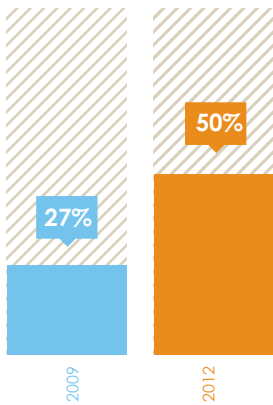
upward trend will motivate the DOE to further accelerate its efforts to fully implement Chancellor’s Regulation A-832.

Finally, we acknowledge that our survey samples only a small section of Asian American students in the city’s public schools. There is an entity, however, that has much more robust data on our city schools: the New York City Department of Education. When Chancellor’s Regulation A-832 was announced, the Mayor and then-Schools Chancellor Klein promised regular reporting on the dynamics of school bullying in city schools⁴. With the exception of one release of city bullying data the year after A-832 was passed, this promise has not been met. We call on the city to release this data yearly and amend Chancellor’s Regulation A-832 to require this schedule of reporting.

It is our hope that the DOE will make it a priority to fully implement Chancellor’s Regulation A-832 in order to fulfill the promise of bias-free schools. All New York City students have the right to a safe environment in school, free from discrimination and harassment.

⁴ See Video of September 3, 2008 Press Conference Announcing Chancellor’s Regulation A-832, available at: http://www.nyc.gov/html/om/html/2008b/media/pc090308_education_512k.asx.

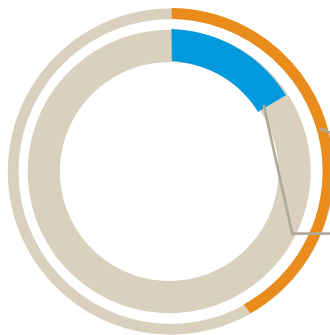
KEY FINDINGS



ASIAN AMERICAN STUDENTS EXPERIENCE HIGHER RATES OF BULLYING IN SCHOOLS

Since our survey of Asian American students in 2009, bullying incidents have increased over **20%**

Percentage of Asian American students reporting bullying incidents.



UNSATISFACTORY FOLLOW-UP TO BULLYING INCIDENTS

Only **40.5%** of bullying victims who reported harassment to their school indicated that their parents were notified of the incident by the school.

Only **16.2%** of bullying victims who reported harassment to their school received a written report, as required by Chancellor's Regulation A-832.



LACK OF SCHOOL IMPLEMENTATION OF HARASSMENT PREVENTION MEASURES

According to Chancellor's Regulation A-832, all schools are required to display the "**Respect for All**" poster in a visible area in the school and must hand out RFA brochures to their students. Student awareness of RFA week has increased **27%** since our last survey in 2009. Of the students we surveyed, **61.8%** have seen the RFA poster in their schools. It is our hope that the DOE continues to improve its implementation of this necessary program to ensure that all schools are complying with the Regulation's standards.

43% of students we surveyed received the RFA brochures, a **32.5%** increase since 2009.

RECOMMENDATIONS

for the New York City Department of Education

I Publication of Yearly Data



Amend Chancellor's Regulation A-832 to require **DOE publication of yearly data on incidents of bullying and harassment**, which, under the Regulation, is already collected and in the possession of the DOE.

II Training for all staff



Require and provide **training for all staff, including School Safety Agents (SSAs), on Chancellor's Regulation A-832 and on restorative justice practices** to prevent and address instances of bias-based bullying in schools.

Work with community-based organizations and advocacy groups to develop training on diversity, inclusion, preventing, and addressing bias-based harassment and improving school climate to provide for a welcoming, safe environment for all students.



III Empathy



Fully implement **restorative justice, guidance interventions, and discipline methods that strengthen empathy and promote social and emotional development**, rather than relying on punitive measures that increase frustration, alienation, and anger.

Amend Chancellor's Regulation A-832 to comport with state law requiring progressive discipline in bullying situations.

IV Full Compliance



Bring Chancellor's Regulation A-832 into **full compliance with the New York State Dignity for All Students Act** (the "Dignity Act") by prohibiting staff-to-student bullying and expanding public reporting requirements.

At the same time, A-832's specific coverage of harassment on account of citizenship/immigration status, which is not explicitly covered by the Dignity Act, must be maintained.

ANALYSIS

In 2008, responding to three high profile incidents of bias-based harassment against students of the Sikh faith in less than a year and mounting community outrage, the New York City Department of Education issued a Chancellor's Regulation addressing bias-based harassment. The new Chancellor's Regulation A-832 defined bias-based harassment, set forth a clear procedure for responding to incidents of harassment, and mandated prevention and community education measures.

Since its issuance, the Sikh Coalition and the Asian American Legal Defense and Education Fund (AALDEF) have worked with allies in the community to monitor this Regulation. In 2009, along with the Coalition for Asian American Children and Families (CACF), we published *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*, in which we documented responses from over 1000 students concerning A-832's implementation, including 594 Asian American students. Two years later, in 2011, we collaborated with the New York Civil Liberties Union (NYCLU) to issue a second report, *Bullying in New York City Schools: Educators Speak Out*, based on a survey of nearly 200 New York City teachers on the city's continuing progress in implementing Chancellor's Regulation A-832. In both of these reports, we found that despite modest progress, implementation of Chancellor's Regulation A-832 remained incomplete. Many students still didn't know how to report incidents of harassment, and many schools neither fully implemented prevention measures nor followed-up adequately on reported incidents.

Now, we offer a snapshot of the school climate for New York City's Asian American students. National studies have documented that Asian American students are among the most vulnerable to bias-based harassment in public schools. A 2009 United States Department of Justice student survey found Asian American students the most likely of all racial groups to report verbal abuse relating to their race, ethnicity or religion, or to report seeing hate graffiti targeting their race⁵.

Furthermore, our own work in New York City has revealed that Asian Americans, particularly new immigrants, are commonly targeted in bias-based incidents. AALDEF's advocacy over longstanding anti-Asian harassment at Lafayette High School in Brooklyn led to a historic United States Department of Justice consent decree in 2004⁶. Sikh Coalition's leadership against religious targeting of Sikh students in Queens sparked the broad-based community mobilization that culminated in Chancellor's Regulation A-832's promulgation.

Over the last year, we surveyed 163 Asian American New York City public school students in Brooklyn, Queens, Manhattan, and the Bronx, and compared these responses to those of Asian American students from our 2009 survey. Overall, we found a hopeful trend. By and large, students felt safe, and those who were harassed reported better compliance with A-832's investigation procedures compared to 2009.

⁵ See SIMONE ROBERS ET AL., NAT'L CTR. FOR EDUC. STAT., INDICATORS OF SCHOOL CRIME AND SAFETY: 2011 44 (2012), <http://bjs.ojp.usdoj.gov/content/pub/pdf/iscs11.pdf>.

⁶ United States v. City of New York, et al., Civil Action No. CV-04-2248 (Amon, J.) (EDNY).



However, we found certain areas still need improvement. Notably, although most students reported feeling safe from harm, exactly half reported experiencing some kind of bias-based harassment, compared with only 27% in 2009. While this may be due to an upsurge of reporting due to increased awareness of A-832 and the 2010 passage of the state Dignity for All Students Act (DASA), it is unacceptable for almost half of New York City Asian American students to have experienced some form of bias-based harassment. Furthermore, although implementation and awareness of A-832 have improved across most areas since 2009, less than 50% of all respondents still reported that a number of A-832's requirements remain unenforced.

In the months and years to come, we look forward to working with Asian American students and parents throughout New York City, as well as with the Department of Education, to build on our momentum in improving compliance with both A-832 and state DASA and making our public schools safer for all students.

“It is unacceptable for almost half of New York City Asian American students to have experienced some form of bias-based harassment.”

SNAPSHOT:

Chancellor's Regulation and the

CHANCELLOR'S REGULATION

REALITY ● 2008-2009⁷ ● Today

"Student[s] may contact the Office of School and Youth Development (OSYD) by e-mailing the complaint to RespectforAll@schools.nyc.gov"



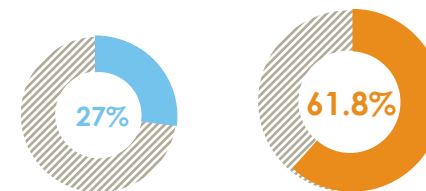
Students who knew they could report harassment to this e-mail address.

"Each principal must designate at least one staff member to whom reports of bias-based harassment, intimidation, and/or bullying can be made."



Students report there is a staff point person at their school.

"Each school must conspicuously post 'Respect for All' posters in locations accessible to students, parents, and staff."



Students have seen a "Respect for All" poster at their school.

⁷ 189 Asian American youth participated in this current 2012 survey, and 594 Asian American youth participated in our 2009 survey.

Reality on the Ground for Asian American Students

CHANCELLOR'S REGULATION

REALITY ● 2008-2009 ● Today

"When harassment is reported, the principal or a designated staff member must "advise the parent(s) of the alleged victim of the allegations unless the alleged victim informs the principal or designated staff member of safety concerns in regard to such a notification."



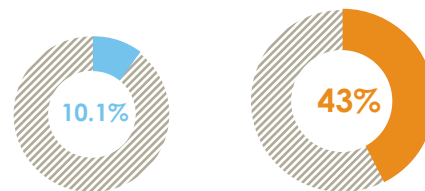
Victims who reported harassment to their schools state that their parents were notified by the school.

"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."



Victims who reported harassment to their schools state that school officials prepared a written report with the results of the investigation.

"A copy of the 'Respect for All' brochure must be distributed annually to parents and students."



Students received a brochure entitled "Respect For All" at home.

"Know that "Respect For All"— Chancellor's Regulation A-832" exists."



Students are aware of "Respect For All" - Chancellor's Regulation A-832.

HAS THE NEW REGULATION MADE AN IMPACT?

Based on our survey data, rates of bias-based harassment in schools have not decreased as a result of the Chancellor's Regulation. In fact, a dramatically higher number of Asian American students are reporting experiencing bias-based harassment since we surveyed students in 2009. In our 2012 survey, 50% of Asian American students reported experiencing bias-based harassment at school. By contrast, when we first

surveyed students in 2009, only 27% of Asian American students reported experiencing bias-based harassment at school.⁸

However, as we found in the 2009 survey, implementation of the Regulation does appear to significantly increase the likelihood that students will report bias-based harassment to school officials.⁹

Students who reported bias-based harassment while attending schools that are:

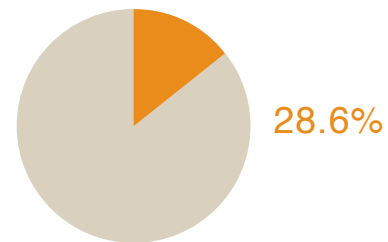
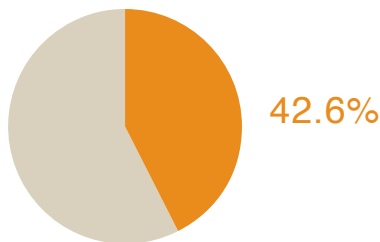
Implementing the Regulation

Students who experienced bias-based harassment and said their school was implementing at least one part of the Regulation reported that incident to a school official.

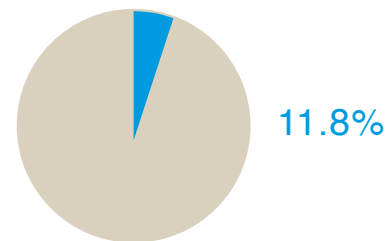
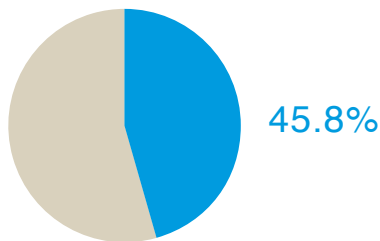
NOT implementing the Regulation

Students who experienced bias-based harassment and said their school was not implementing any part of the Regulation reported that incident to a school official.

NOW



2008/2009



⁸ There are a number of possible explanations for the dramatic increase in Asian American students reporting experiences of bias-based harassment in schools. Over the past several years, bias-based harassment has received a great deal of attention in the media and public sphere, increasing awareness about the problem amongst student, schools, and parents. This visibility may be leading to more students identifying and reporting experiences as bias-based harassment. Our survey also included responses from a large number of Sikh students, who tend to experience very high levels of bias-based harassment.

⁹ For the purposes of this report, we are defining a school's implementation of the Chancellor's Regulation as: distribution of "Respect for All" brochures annually to parents and students, conspicuous posting of "Respect for All" posters on campus, student knowledge of the designated "Respect For All" point person at their school, and student familiarity with reporting harassment online through the Respect-forAll@schools.nyc.gov e-mail address

STUDENT WALL

Quotes from Asian American Students

"No one cares in my school. Bullying is part of the everyday atmosphere. People think if you report it, you're overly sensitive and then you end up having no friends."

"They called me Osama Bin Laden, I grabbed him by the collar and I got in trouble instead of the kid."

"When I was younger, they teased me because of my accent. I tried so hard to improve my English so that wouldn't happen"

"When 9/11 happened, they told me that this happened because of you"

"During lunch, one of the boys called me a Bengali terrorist"

"Someone called me a terrorist because of the fact that I am a Muslim. I have no relations to such extremism done by terrorists. Including me as a part of their ideas as I disagree with them was very offensive."

"A group of people called my friends and me 'chinks' and dropped garbage to show that we were lower class."

"Kids come up to you and mimic native ethnic languages and they sound nothing like it."

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