

John Doe # 1, et al. v. New York City Department of Education,
16-CV-1684(NGG) (RLM) Report for Spring Semester SY2021-2022

Period of Analysis: 2/01/2022-6/27/2022 (Spring Semester)

The following report is provided in accordance with the requirements of the stipulation of settlement in *John Doe # 1, et al. v. New York City Department of Education* (the “Stipulation”). It includes data regarding “Bullying Complaints” as defined in the Stipulation. Pursuant to the Stipulation, “Bullying Complaints” are allegations of student-on-student bullying, harassment, intimidation and/or discrimination, including sexual harassment. An individual complaint may have no identified victim or more than one victim. Unless otherwise specified, the data reported here is based on individual students who are alleged to be victims, not on incidents. Through an investigative process, which is documented in the DOE’s Online Occurrence Reporting System (“OORS”), schools determine if these allegations rise to the level of a violation of [Chancellor’s Regulation A-832](#) (a “Material Incident”).

The DOE is also required to file reports in accordance with Local Law 51, the requirements of which differ from the reporting requirements under the Stipulation. Accordingly, the Local Law 51 report, which will be posted on the DOE’s website by November 30, 2022, will include information about complaints of student misconduct not considered to be Bullying Complaints under the Stipulation, but determined to be Material Incidents.

Table 1: Bullying Complaints Data

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
CSDs and Administrative Districts	Number of Unique Complaints submitted through Electronic Reporting System (ERS) by a Victim’s parent with a New York City School Account (NYCSA)	Number of Timely Notifications of Receipt of a Bullying Complaint ¹ Provided to Alleged Victims’ parents (Parent Notification) entered into the Online Occurrence Reporting System (OORS)	Number of Untimely Parent Notifications entered into OORS	Number of Parent Notifications not entered into OORS	Total Number of Notices of Determination ² Provided to Alleged Victims’ Parents (NODs) entered into OORS	Number of NODs entered into OORS that were provided within ten school days after Receipt of the Bullying Complaint	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint because of Extenuating Circumstances	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint, but not because of Extenuating Circumstances	Number of NODs not entered into OORS	Number of Material Incidents ³ resulting from the Bullying Complaints	Number of Victims of Material Incidents resulting from the Bullying Complaints	Number of Victims with Supports & Interventions (S&I) ⁴ entered into OORS	Number of Victims with S&I documented in OORS as Not Warranted	Total Number of Victims with No S&I documented in OORS
1	7	73	8	0	81	81	0	0	0	38	51	46	5	0
2	14	660	20	15	680	659	9	12	15	378	405	372	33	0
3	5	200	3	1	202	195	4	3	2	126	130	120	10	0
4	2	159	1	8	165	160	1	4	3	76	83	**	*	0
5	2	67	4	1	72	68	1	3	0	41	40	**	*	0



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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
CSDs and Administrative Districts	Number of Unique Complaints submitted through Electronic Reporting System (ERS) by a Victim's parent with a New York City School Account (NYCSA)	Number of Timely Notifications of Receipt of a Bullying Complaint¹ Provided to Alleged Victims' parents (Parent Notification) entered into the Online Occurrence Reporting System (OORS)	Number of Untimely Parent Notifications entered into OORS	Number of Parent Notifications not entered into OORS	Total Number of Notices of Determination² Provided to Alleged Victims' Parents (NODs) entered into OORS	Number of NODs entered into OORS that were provided within ten school days after Receipt of the Bullying Complaint	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint because of Extenuating Circumstances	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint, but not because of Extenuating Circumstances	Number of NODs not entered into OORS	Number of Material Incidents³ resulting from the Bullying Complaints	Number of Victims of Material Incidents resulting from the Bullying Complaints	Number of Victims with Supports & Interventions (S&I)⁴ entered into OORS	Number of Victims with S&I documented in OORS as Not Warranted	Total Number of Victims with No S&I documented in OORS
6	3	140	1	4	145	140	2	3	0	78	81	**	*	0
7	2	109	3	6	112	112	0	0	6	81	70	**	*	0
8	5	327	7	15	347	340	2	5	2	137	194	184	10	0
9	1	173	3	6	181	180	1	0	1	87	96	84	12	0
10	12	435	14	15	451	449	1	1	13	254	283	269	14	0
11	5	356	7	13	374	360	3	11	2	212	219	213	6	0
12	5	208	4	7	216	215	1	0	3	97	124	119	5	0
13	2	197	7	7	208	201	3	4	3	118	137	131	*	*
14	2	131	2	4	136	134	0	2	2	80	86	72	14	0
15	5	175	9	18	198	195	1	2	4	108	119	**	*	0
16	0	32	1	1	32	31	0	1	2	26	19	19	0	0
17	3	116	5	11	129	127	0	2	3	69	77	72	5	0
18	0	67	0	2	69	68	0	1	0	32	33	**	*	0
19	1	161	5	5	166	166	0	0	5	83	99	84	15	0
20	3	423	5	4	426	425	0	1	6	197	227	208	19	0
21	3	408	14	8	426	419	0	7	4	209	231	198	33	0
22	3	162	2	7	168	166	0	2	3	72	86	77	9	0
23	1	37	0	2	38	37	0	1	1	16	15	15	0	0
24	5	431	8	12	444	433	8	3	7	203	251	240	11	0
25	8	472	14	11	495	490	1	4	2	220	258	244	**	*
26	7	377	25	9	407	404	1	2	4	222	235	216	19	0
27	4	314	5	16	328	321	5	2	7	183	190	**	*	0
28	5	333	3	6	339	333	3	3	3	181	214	201	13	0
29	4	165	2	4	170	167	1	2	1	97	103	93	10	0



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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
CSDs and Administrative Districts	Number of Unique Complaints submitted through Electronic Reporting System (ERS) by a Victim's parent with a New York City School Account (NYCSA)	Number of Timely Notifications of Receipt of a Bullying Complaint¹ Provided to Alleged Victims' parents (Parent Notification) entered into the Online Occurrence Reporting System (OORS)	Number of Untimely Parent Notifications entered into OORS	Number of Parent Notifications not entered into OORS	Total Number of Notices of Determination² Provided to Alleged Victims' Parents (NODs) entered into OORS	Number of NODs entered into OORS that were provided within ten school days after Receipt of the Bullying Complaint	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint because of Extenuating Circumstances	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint, but not because of Extenuating Circumstances	Number of NODs not entered into OORS	Number of Material Incidents³ resulting from the Bullying Complaints	Number of Victims of Material Incidents resulting from the Bullying Complaints	Number of Victims with Supports & Interventions (S&I)⁴ entered into OORS	Number of Victims with S&I documented in OORS as Not Warranted	Total Number of Victims with No S&I documented in OORS
30	11	398	15	7	414	404	5	5	6	206	233	221	12	0
31	16	865	20	15	893	887	4	2	7	392	427	399	28	0
32	2	111	0	1	112	112	0	0	0	81	84	**	*	0
75	2	182	1	5	186	179	2	5	2	96	96	**	*	0
79	0	16	2	2	18	18	0	0	2	12	11	**	*	0
Citywide Totals	150	8480	220	248	8828	8676	59	93^a	121	4508	5007	4682	321	*

^a See: Table 3: Notices of Determination sent more than 10 days after receipt of a Bullying Complaint



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Table Annotations:

Header Row

1. The parent of an alleged victim must be notified of Bullying Complaints unless it is unsafe to do so. In certain limited circumstances, a school may determine that there are reasons which indicate that notifying the parent may pose a safety threat to the student. This report only displays the number of parents notified in a timely manner and those who were not. During the reporting period, there were 62 instances in which a school indicated that it was unsafe to notify the parent.
2. Notices of Determination (NODs) are required to be sent to the parent of the alleged victim(s) for all Bullying Complaints post-investigation. The Stipulation requires a NOD to be sent to the parent of the victim, whether or not the Bullying Complaint is a Material Incident, within ten (10) school days of receipt of the Bullying Complaint unless there are extenuating circumstances. NODs are not sent if the school previously determined that it was unsafe to notify the parent. The report displays the number of NODs sent in accordance with the requirements of the Stipulation and those that were not sent in accordance with the Stipulation.
3. Column K displays the number of Material Incidents resulting from Bullying Complaints. The DOE investigates all incidents of student misconduct to determine appropriate follow-up action. As a result, in addition to the number of Material Incidents resulting from Bullying Complaints (reported in Column K of this report), the DOE determined that there were 2,270 additional incidents of student misconduct that were not determined to be Bullying Complaints but which, after investigation, were determined to be Material Incidents. See also [Local Law 51 Report](#) (which will be posted on the DOE's website by November 30, 2022).
4. Pursuant to the Stipulation, all victims of Material Incidents resulting from Bullying Complaints must be provided with supports and interventions (S&I) unless the school determines that S&I are not warranted.

Cell Annotations

In accordance with the Family Education Rights and Privacy Act (FERPA), any value that would indicate one (1) to four (4) students has been redacted using the symbol “*”, and any number that in combination with other numbers could lead to the disclosure of protected student information has been redacted using the symbol “***”.



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Table 2: Development of Individual Support Plans^b

CSDs and Administrative Districts	Number of Students with two or more Material Incidents during the School year who required an Individual Support Plan (ISP)	Number of Students with two or more Material Incidents during the School year who <u>did not</u> receive a required ISP	Total Number of ISPs created
1	7	0	12
2	63	*	90
3	25	0	36
4	12	0	22
5	2*	0	*
6	12	0	18
7	7	0	8
8	23	0	28
9	6	0	7
10	30	0	49
11	23	0	40
12	12	0	15
13	18	*	27
14	13	0	18
15	9	0	9
17	*	0	5
18	*	0	5
19	8	0	9
20	31	0	47
21	42	0	59

^b Numbers from 1 to 4 were redacted



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CSDs and Administrative Districts	Number of Students with two or more Material Incidents during the School year who required an Individual Support Plan (ISP)	Number of Students with two or more Material Incidents during the School year who <u>did not</u> receive a required ISP	Total Number of ISPs created
22	5	0	5
24	27	0	31
25	55	0	79
26	41	0	57
27	23	0	29
28	21	0	25
29	9	0	12
30	34	0	44
31	61	0	77
32	14	0	23
75	20	0	31
Citywide Totals	661	*	920



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Table 3: Notices of Determination sent more than 10 days after receipt of a Bullying Complaint

CSDs and Administrative Districts	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint, but not because of Extenuating Circumstances	1 to 5 days late	6 to 10 days late	11 to 29 days late	30 days and more late	Number of NODs not entered into OORS
2	12	4	4	4	0	15
3	3	0	1	2	0	2
4	4	0	3	1	0	3
5	3	2	1	0	0	0
6	3	2	0	1	0	0
7	0	0	0	0	0	6
8	5	3	1	1	0	2
9	0	0	0	0	0	1
10	1	0	1	0	0	13
11	11	4	5	2	0	2
12	0	0	0	0	0	3
13	4	4	0	0	0	3
14	2	2	0	0	0	2
15	2	1	0	1	0	4
16	1	1	0	0	0	2
17	2	2	0	0	0	3
18	1	1	0	0	0	0
19	0	0	0	0	0	5
20	1	1	0	0	0	6
21	7	2	5	0	0	4
22	2	1	1	0	0	3
23	1	0	1	0	0	1
24	3	1	1	1	0	7
25	4	3	0	1	0	2
26	2	1	1	0	0	4



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CSDs and Administrative Districts	Number of NODs entered into OORS that were provided more than ten school days after receipt of the Bullying Complaint, but not because of Extenuating Circumstances	1 to 5 days late	6 to 10 days late	11 to 29 days late	30 days and more late	Number of NODs not entered into OORS
27	2	1	1	0	0	7
28	3	2	0	1	0	3
29	2	2	0	0	0	1
30	5	4	0	1	0	6
31	2	2	0	0	0	7
75	5	2	3	0	0	2
79	0	0	0	0	0	2
Citywide Totals	93	48	29	16	0	121

Resources and Supports Provided to Schools during SY2021-2022

- During School Year 2021-2022 (SY21-22), the DOE continued to provide resources and supports to schools with respect to preventing, reporting, and addressing incidents of student-to-student discrimination, harassment, intimidation and/or bullying, including sexual harassment, across all grade levels, including:
 - Anti-bullying training modules for supportive and inclusive learning environments:
 - Respect for All (RFA) Conversations, an online training available to all school staff and administrators to develop best practices on maintaining safe and inclusive learning environments
 - Training for students, aimed at empowering them to become allies rather than bystanders
 - Training materials and resources for school staff to address bullying, harassment, and biased-based behavior towards various populations
 - Training for central and school staff addressing system enhancements and policy changes outlined in Chancellor’s Regulation A-832 (school polices about student-to-

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student discrimination, harassment, intimidation and/or bullying, including sexual harassment)

- Note: all principals confirmed in SY21-22 that they completed and provided training required pursuant to Chancellor's Regulation A-832.
- Age-appropriate student-to-student sexual harassment prevention presentations (based on policies outlined in Chancellor's Regulation A-831) for school staff to share with elementary, middle, and high school students
- Training for school-based Sexual Harassment Prevention (SHP) Liaisons on student-to-student sexual harassment in accordance with the requirements of Chancellor's Regulation A-831
- Online behavior and digital citizenship curriculum and education for educators, as part of the requirements outlined in the Children's Internet Protection Act
- Training for school staff on LGBTQ+ inclusion
- Training in bullying prevention and intervention in a social – emotional learning and restorative justice framework for school-based staff
 - Training in restorative circles on racial equity and community building
 - Strategies and tools for confronting bias
- Training for central and school staff on reporting requirements and investigating potential material incidents
- Designation of at least one dedicated School Climate Manager (staffed within NYCDOE Borough Citywide Offices or BCOs) for each school, who is responsible for supporting schools with bullying allegations, classroom management, and developing and sustaining systems to ensure a positive school environment
- Annual Deployment of the Online Complaint Reporting System for parents, students, and other individuals (other than staff) to submit complaints of student-to-student discrimination, harassment, intimidation and/or bullying, including sexual harassment, as well as enhancements to OORS/SOHO
 - Close monitoring of bias-based bullying incidents and investigations
- Monthly school data reports and targeted supports and interventions sent to schools from BCO staff
- Title IX Liaisons aligned with BCOs who conducted investigations and provided support to schools regarding Title IX incidents
- Updated Bridge to School Plan, an extensive resource guide which provides schools with SEL and wellness activities and strategies to strengthen community, foster resilience, and support trauma-informed care.
- The DOE extended access for all school staff to the multi-part, asynchronous Trauma-Informed Care professional-learning series, with the University of Chicago's TREP program, through June



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2022. As a complement to that training, schools were encouraged to take advantage of the following resources:

- Facilitation guides to support individual staff reflection and whole-staff discussion before, during, and after the trauma-informed professional-learning series; and
- A planning template to support alignment of trauma-informed care to a school's CEP, existing SEL systems and structures, equity goals, and other resources
- Cultural Responsiveness and Schoolwide Positive Behavior Supports for students involved in one or more Material Incident Violations Checklist guide
- Enhancements to the Online Occurrence Reporting System (OORS) for schools to identify missing requirements more readily, such as Supports & Interventions and Written Notice of Determination dates. OORS now also allows for the documentation of Supports & Interventions for witnesses and groups (class/grade/school).

Description of Trends Reflected in Data for SY2021-2022

Paragraph 70(c) of the Stipulation requires the Spring Report to include “a description of trends reflected in the data including, but not limited to, the types of Material Incidents and timeliness of issuance of Notices of Determination.” In the 2021-2022 school year, schools were fully open, with intermittent closures in classrooms and particular schools due to the COVID-19 pandemic.

Bullying Complaints

The data indicates that Bullying Complaints were made with similar frequency in middle and elementary schools and that almost 52% of these complaints were determined to be Material Incidents, which represents a 10.6% increase when compared to SY2020-2021.

- Grade Span Breakdown: 30.3% of Bullying Complaints arose in middle schools, 24.4% arose in elementary schools, 22.4% arose in high schools and 13.3% took place in schools with K-8 configurations.
- Material Incidents: 52.31% of all Bullying Complaints were determined to be Material Incidents.
 - Grade Span Breakdown: 33.1% arose in middle schools, 24.8% arose in high schools, 18.0% arose in elementary schools and 13.7% took place in schools with grade K-8 configurations.

Bias-related Material Incidents Resulting from Bullying Complaints

The data indicates that approximately 35% of Material Incidents were bias-based and that 40% of those incidents involved racial bias, representing a 2% and 11% increase, respectively, when compared to SY2020-2021.

- Of all Material Incidents resulting from Bullying Complaints 34.61% were bias-related.



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- Grade Span Breakdown: 35.28% arose in middle schools, 22.37% arose in high schools, 17.21% arose in elementary schools, and 14.40% took place in schools with grades k-8 configurations.
- The most prevalent bias types were: Race- 40.40%, Sexual Orientation-22.21%, Weight-18.38%, Ethnicity/National Origin or both-17.60%, Gender Identity/Expression-10.69 and Gender-10.58%.

Cyberbullying Complaints

The data indicates that approximately 18% of all Bullying Complaints were identified as cyberbullying and that 54.5% of those complaints occurred in the Spring Semester while 45.5% occurred in the Fall Semester. The percentage of cyberbullying complaints decreased by 68% when compared to SY2020-2021.

- 24.64% of all Material incidents in the Spring Semester involved cyberbullying while 22.86% of all Material incidents in the Fall Semester involved cyberbullying.
- Given that students were physically in school during the school year, unlike the prior school year, most of the Bullying Complaints did not involve cyberbullying.

Timeliness of Issuance of NODs

Notices of Determination (NODs) are required to be sent to the parent of the alleged victim(s) for all Bullying Complaints post-investigation. The Stipulation requires a NOD to be sent to the parent of the victim, whether or not the Bullying Complaint is a Material Incident, within ten (10) school days of receipt of the Bullying Complaint unless there are extenuating circumstances.

In SY21-22 NODs, 98.6% NODs were sent to parents and 97.6% of those NODs were sent in timely manner.

- There were 93 late NODs, 16 of which were sent more than 10 days late.

Individual Support Plans (ISPs)

Pursuant to the Stipulation, an ISP must be developed and implemented for victims of two or more Material Incidents resulting from Bullying Complaints in the same school year. The percentage of students requiring an ISP increased by 106% in SY21-22 when compared to SY20-21 due to a significant increase in Bullying Complaints .

- 84.57% of students who required an ISP were the victim of only two Material Incidents.
- Grade Span Breakdown: Of the students requiring an ISP, 34.80%, attended middle school, 22.09% attended high school, 16.04% attended elementary school and 15.73% were from K-8 configuration.

Recommendations

Based on the SY21-22 data and the trends identified above, the DOE recommends the following:

1. The DOE should continue to support restorative justice programming in middle and high schools for a direct impact on school climate and culture and behavioral outcomes. Restorative practices develop students' social and emotional competencies, repair harm from past behavior incidents, and prevent incidents that include bullying, harassment, intimidation, and discrimination—ultimately creating safe, respectful, and inclusive environments in schools.
2. Considering the ongoing impacts of the COVID-19 pandemic, the DOE should expand upon existing supports provided to schools. Schools should continue to use practices that are trauma-informed and strengthen SEL in addressing behavior, which impacts school climate, including bullying, harassment, intimidation, and discrimination.
3. The DOE should ensure that every school will have access to mental health support, either through access to mental health clinics or by adding 110 social workers to superintendent teams to support school climate by school year 2022-2023. Schools should identify children who need additional support by offering social emotional screeners to every student and they should organize school teams and structures to ensure that students are matched with appropriate support services depending on their needs.