

John Doe # 1, et al. v. New York City Department of Education,
16-CV-1684(NGG) (RLM) Report for Spring Semester SY2019-2020

Period of Analysis: 1/28/2020-6/30/2020 (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, 2020, 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 OORS	Number of Parent Notifications not entered 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	0	29	1	0	29	28	1	0	1	20	19	**	*	0
2	0	185	7	7	184	177	3	4	15	106	113	85	12	16
3	0	63	9	5	69	64	3	2	8	39	47	43	*	*
4	0	40	0	0	37	37	0	0	3	17	18	14	*	*

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 OORS	Number of Parent Notifications not entered 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
5	0	36	16	0	50	17	30	3	2	12	37	27	10	0
6	0	30	0	0	30	29	0	1	0	14	17	14	*	*
7	0	36	1	3	40	37	3	0	0	36	33	31	*	*
8	0	65	1	5	71	67	1	3	0	38	41	27	**	*
9	0	56	1	1	57	53	4	0	1	26	35	32	*	*
10	0	155	7	5	167	163	2	2	0	77	92	72	14	6
11	0	146	2	4	148	143	3	2	4	89	93	81	*	**
12	0	76	1	5	81	81	0	0	1	45	45	38	*	**
13	0	47	1	0	46	42	3	1	2	30	28	25	*	*
14	0	31	1	0	32	31	0	1	0	18	19	14	*	*
15	0	116	2	1	114	107	5	2	5	59	79	71	*	*
16	0	12	1	0	13	10	3	0	0	9	9	7	*	*
17	0	40	0	0	39	35	2	2	1	24	25	23	*	*
18	0	28	1	0	28	28	0	0	1	14	18	17	*	*
19	0	47	0	3	50	50	0	0	0	36	43	24	14	5
20	0	137	1	0	138	130	7	1	0	56	67	51	9	7
21	0	111	3	1	112	109	2	1	3	75	77	62	9	6
22	0	43	0	0	42	42	0	0	1	20	19	**	0	*
23	0	14	0	1	15	13	2	0	0	6	7	*	*	*
24	0	185	2	0	184	183	1	0	3	86	100	93	**	*
25	0	116	1	3	118	115	3	0	2	54	62	54	*	*
26	0	120	11	0	125	112	7	6	6	54	59	54	*	*
27	0	76	0	0	72	72	0	0	4	43	53	46	**	*
28	0	91	1	2	91	90	1	0	3	64	70	67	*	*
29	0	70	3	0	69	64	4	1	4	35	44	41	*	*

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 OORS	Number of Parent Notifications not entered 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
30	0	107	0	0	104	104	0	0	3	52	65	61	*	*
31	0	247	4	6	254	248	3	3	3	121	133	125	**	*
32	0	31	0	1	32	31	1	0	0	18	21	**	*	0
75	0	57	1	5	63	62	0	1	0	33	34	27	**	*
79	0	7	0	0	7	7	0	0	0	6	8	6	*	*
Citywide Totals	0	2650	79	58	2711	2581	94	36	76	1432	1630	1391	142	97

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 9 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 666 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, 2020).

- 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 “***”.

Table 2: Development of Individual Support Plans

Administrative District	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	6	0	11
2	28	*	37
3	9	*	9
4	8	0	9
5	6	0	6
6	6	0	6
7	*	0	*
8	7	0	8
9	9	0	16
10	10	0	14
11	18	*	20
12	8	0	11
13	13	*	12
14	*	*	6
15	19	*	25
16	*	0	4
17	*	**	2
18	*	0	5
19	*	**	2
20	12	0	17
21	10	0	14
22	*	*	4

Administrative District	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
23	*	**	1
24	19	*	19
25	13	*	13
26	11	0	15
27	8	0	10
28	16	*	18
29	5	*	5
30	*	*	2
31	34	*	46
32	*	0	3
75	7	*	6
Total	309	24	378

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
1	0	0	0	0	0	1
2	4	2	1	1	0	15
3	2	1	0	1	0	8
4	0	0	0	0	0	3
5	3	0	0	0	3	2
6	1	1	0	0	0	0
8	3	2	1	0	0	0
9	0	0	0	0	0	1
10	2	0	1	1	0	0
11	2	1	1	0	0	4
12	0	0	0	0	0	1

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
13	1	1	0	0	0	2
14	1	0	1	0	0	0
15	2	2	0	0	0	5
17	2	0	1	0	1	1
18	0	0	0	0	0	1
20	1	0	0	0	1	0
21	1	0	1	0	0	3
22	0	0	0	0	0	1
24	0	0	0	0	0	3
25	0	0	0	0	0	2
26	6	5	0	1	0	6
27	0	0	0	0	0	4
28	0	0	0	0	0	3
29	1	1	0	0	0	4
30	0	0	0	0	0	3
31	3	2	0	1	0	3
75	1	0	0	0	1	0
Citywide Totals	36	18	7	5	6	76

Resources and Supports Provided to Schools during SY 2019-2020

Since School Year 2016-2017, the DOE has implemented a number of school climate measures to support the whole child and to ensure the academic and social-emotional success of every student. In School Year 2017-2018, the City committed to \$8 million for initiatives specifically targeted at addressing bullying, including the creation of an electronic Online Complaint Reporting System, additional workshops, trainings, and targeted school-based supports. This work is complemented by the City's \$47 million annual investment in school resources and mental health supports and is further supported by a \$23 million investment in anti-bias training for all staff.

For School Year 2019-2020 (SY19-20), the DOE launched the start of the *Resilient Kids, Safer Schools* climate package, including the expansion of restorative practices in middle and high schools and a new partnership with Sanford Harmony to introduce social-emotional learning in elementary schools.

During SY19-20, 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 including:

- Anti-bullying training modules for supportive and inclusive learning environments for all school staff, including:
 - 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
 - Trainings for students, aimed at empowering them to become allies rather than bystanders

- Training materials and resources to address bullying, harassment, and biased-based behavior towards various populations
- Training addressing system enhancements and policy changes outlined in Chancellor's Regulation A-832 (school polices about student-to-student discrimination, harassment, intimidation and/or bullying, including sexual harassment)
 - Note: all principals confirmed in SY19-20 that they completed and provided training required pursuant to Chancellor's Regulation A-832.
- Online behavior and digital citizenship curriculum and education for educators, as part of the requirements outlined in the Children's Internet Protection Act.
- Targeted social-emotional and restorative curriculum resources and training for approximately 600 middle and high schools and approximately 230 elementary schools
- Implicit bias and culturally responsive practices trainings to confront bias for school staff
- 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
- Offered training to social workers on dating violence prevention hosted by Day One NY
- Offered training to school staff on LGBTQ+ inclusion
- Provided 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.
- Training on the DOE's policies on bullying prevention and intervention for New York Police Department (NYPD) School Safety Agent recruits from the graduating classes on 9/19/2019 and 1/29/2020, as part of their training in the NYPD – School Safety Division Academy

Resources and Supports to schools beginning in SY19-20:

- 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.
- Monthly school data reports and targeted supports and interventions to schools from BCO staff
- Borough crisis teams School Response Clinicians, provided in partnership with ThriveNYC, who are deployed in response to urgent crises to provide immediate clinical care
- Due to unprecedented health, economic, and social impacts of COVID-19 and racial injustices on NYC students, families, and schools, the DOE connected students and staff to mental health care and, in Spring 2020, launched:
 - Support-the-Supporters social-emotional learning (SEL) professional learning circles for educators to articulate their emotions and develop strategies for wellness together
 - Trauma training series and recorded webinars for all school administrators and school crisis teams to enhance trauma-informed care, including understanding common reactions to trauma (especially in students) and how to cope with grief and loss
- One Title IX Liaison aligned with each BCO who will conduct investigations and provide support to schools regarding Title IX incidents
- 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

Description of Trends Reflected in Data for SY19-20

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.” From March 23, 2020 through the end of the school year, DOE schools operated remotely as the result of the COVID-19 public health crisis. This transition to remote learning significantly impacted the nature and number of bullying complaints and material incidents. Additionally, as noted in the Fall Report, a number of programming issues impacted the data reported for the Fall semester. These events impacted the ability of the DOE to draw meaningful conclusions regarding certain components of the data.

Bullying Complaints

The data indicates that Bullying Complaints were made with similar frequency in middle and high schools and that almost 60% of these complaints were determined to be Material Incidents.

- Grade Span Breakdown: 27.3% of Bullying Complaints arose in high schools, 26.6% arose in middle schools, 24.4% arose in elementary schools and 12.1% took place in schools with K-8 configurations.

- Material Incidents: 58.79% of all Bullying Complaints were determined to be Material Incidents.
 - Grade Span Breakdown: 28.8% arose in middle schools, 28.7% arose in high schools, 20.0% arose in elementary schools and 11.4% took place in schools with grade K-8 configurations.

Bias-related Material Incidents Resulting from Bullying Complaints

The data indicates that more than 25% of Material Incidents were bias-based and that more than 25% of those incidents involved racial bias.

- Of all Material Incidents resulting from Bullying Complaints 27.26% were bias-related.
 - Grade Span Breakdown: 30.75% arose in middle schools, 27.96% arose in high schools, 19.05% arose in elementary schools, and 11.41% took place in schools with grades k-8 configurations.
 - The most prevalent bias types were: Race- 27.60%, Ethnicity/National Origin or both- 16.74%, Weight-15.98%, Sexual Orientation-14.61%, and Gender (Identity/Expression)- 7.61%.

Cyberbullying Complaints

For the Fall Semester and the period of time in the Spring semester before schools were physically closed due to the COVID pandemic, the percentage of Bullying Complaints that were identified as cyberbullying was relatively stable.

- 13.1% of total Bullying Complaints in the Fall Semester involved cyberbullying while 16.8% of Bullying Complaints in the Spring semester prior to the COVID-closure involved cyberbullying.
 - 14.4% of all Material incidents in the Fall Semester involved cyberbullying and 20.7% of all Material incidents in the Spring semester prior to the COVID-closure involved cyberbullying.
- Given that school was physically closed for the remainder of the school year, most of the Bullying Complaints for the rest of the year (86.7%) involved cyberbullying.

Timeliness of Issuance of NODs

As explained in the Fall Report, in September and October of SY19-20, programming issues in OORS prevented schools from entering data in OORS regarding NODs, including the date a NOD was sent. This field was added to OORS at the end of October 2019. As set forth in the Fall Semester Report, there were 651 NODs entered in OORS more than 10 days after receipt of the Bullying Complaint where the school did not indicate the presence of extenuating circumstances. We cannot determine how many of these 651 were due to the programming issue in OORS. As explained in the Fall Semester Report, 1,120 NODs were not entered in OORS (as either as timely or untimely) due to the above-mentioned programming issue. Once the programming issue was fixed in late October 2019, the number of late NODs decreased significantly for the remainder of the fall semester.

As demonstrated in this Spring Semester Report, the move to remote learning in March 2020 due to the COVID-19 pandemic resulted in a significant decrease in incidents. As set forth in the data above, there were 130 late NODs, 94 of which were due to extenuating circumstances. Given the above-mentioned complications regarding the SY19-20 data, the DOE needs an additional year to identify any meaningful trends regarding the timeliness of issuance of NODs, and the recommendations to address such trends.

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 data suggests that development of ISPs is an effective intervention and that for most students who received an ISP, there was not a need to develop an additional plan.

- 85.35% of students who required an ISP were the victim of only two Material Incidents.
- Grade Span Breakdown: Of the students requiring an ISP, 27.31%, attended high school, 25.68% attended middle school, 23.52% attended elementary school, and 12.94% were from K-8 configuration

Recommendations

Based on the SY19-20 data and the trends identified above, the DOE recommends the following:

1. The DOE should continue to provide and expand the resources and training noted above with respect to preventing and addressing bullying, including cyberbullying, harassment, sexual harassment, intimidation and discrimination, across all grade levels
2. The DOE should closely monitor bias-based bullying and ensure that resources and training focus on developing and maintaining an inclusive school culture free from discrimination. Resources and training should be targeted to address trends in the types of bias-based behavior.
3. 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.

In addition, in light of the recent impacts of the COVID-19 pandemic, for the SY20-21 school year, the DOE will expand upon existing supports provided to schools by adding the following:

1. **Trauma Responsive Educational Practices (TREP)**, a professional development series for school staff, which focuses on identifying the psychological, emotional, and academic needs of students coping with trauma and providing appropriate supports to address those needs
2. **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