

John Doe # 1, et al. v. New York City Department of Education,
16-CV-1684(NGG) (RLM) Report for Spring Semester SY2020-2021

Period of Analysis: 1/30/2021-6/30/2021 (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, 2021, 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 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
1	0	25	2	0	19	19	0	7	1	10	9	9	0	0
2	1	138	13	2	144	142	5	10	1	54	62	56	5	*
3	4	54	1	0	50	50	2	3	2	27	32	27	5	0
4	0	19	0	2	20	19	0	2	0	4	*	*	0	0



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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
5	0	8	0	0	7	7	0	0	1	3	0	0	0	0
6	1	11	0	1	12	12	0	0	0	4	*	*	*	0
7	0	18	0	1	19	19	0	0	0	10	8	8	0	0
8	1	35	0	1	34	34	1	2	0	13	15	**	*	0
9	0	20	2	0	22	19	0	3	0	10	9	9	0	0
10	0	87	2	3	81	78	0	10	4	43	61	**	*	0
11	0	47	1	5	47	45	1	7	1	35	33	26	7	0
12	0	27	0	0	26	25	0	1	1	15	16	11	5	0
13	1	18	3	1	17	17	1	4	1	12	11	11	0	0
14	0	13	1	0	14	14	0	0	0	12	8	**	*	0
15	0	27	1	2	26	26	2	3	1	11	14	14	0	0
16	0	3	0	0	2	2	0	0	1	0	0	0	0	0
17	0	13	0	0	10	9	0	3	1	8	8	**	*	0
18	0	3	1	0	4	4	0	0	0	*	*	*	0	0
19	1	13	3	0	10	10	0	4	2	9	8	8	0	0
20	0	48	0	0	45	44	0	4	0	29	23	23	0	0
21	0	41	0	0	39	39	0	1	1	24	20	**	*	0
22	0	29	0	2	24	23	0	5	3	*	*	*	0	0
23	0	7	0	0	6	6	0	1	0	*	*	*	0	0
24	1	66	1	0	64	61	1	6	0	37	33	**	*	0
25	0	87	1	0	78	76	1	11	1	35	40	**	*	0
26	0	85	8	1	85	85	0	6	3	37	44	**	*	*
27	1	47	1	0	44	41	0	7	0	26	26	**	*	0
28	0	26	2	0	27	26	0	2	0	17	11	11	0	0
29	0	28	0	0	21	21	0	3	4	10	10	**	*	0



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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	1	53	2	0	51	47	0	6	2	24	28	**	*	0
31	2	105	4	0	101	99	0	8	2	46	50	**	*	0
32	0	10	0	2	12	12	0	0	0	2	5	*	*	0
75	0	54	1	0	50	50	0	3	2	25	23	**	*	0
79	0	5	0	0	5	5	0	0	0	2	*	*	0	0
Citywide Totals	14	1270	50	23	1216	1186	14	122^a	35	602	622	567	53	*

^a See: Table: 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 23 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 157 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, 2021).
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 “***”.

Table 2: Development of Individual Support Plans^b

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	*	0	*
2	*	0	*
3	*	0	*
7	*	0	*
10	*	0	*
11	*	0	*
17	*	0	*
20	*	0	*
21	*	0	*
24	*	0	5
25	*	0	*
26	*	0	*
27	*	0	*
30	*	0	*
31	*	0	*
75	*	0	*
Total	27	0	35

^b Numbers from 1 to 4 were redacted



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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
1	7	0	0	0	7	1
2	10	2	0	0	8	1
3	3	0	0	0	3	2
4	2	0	1	0	1	0
5	0	0	0	0	0	1
8	2	0	0	0	2	0
9	3	1	0	2	0	0
10	10	3	0	0	7	4
11	7	2	0	0	5	1
12	1	1	0	0	0	1
13	4	0	0	0	4	1
15	3	0	0	0	3	1
16	0	0	0	0	0	1
17	3	0	1	0	2	1
19	4	0	0	0	4	2
20	4	0	0	1	3	0
21	1	0	0	0	1	1
22	5	1	0	0	4	3
23	1	0	0	0	1	0
24	6	2	0	1	3	0
25	11	2	0	0	9	1
26	6	0	0	0	6	3
27	7	2	0	1	4	0
28	2	1	0	0	1	0
29	3	0	0	0	3	4
30	6	1	1	2	2	2



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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
31	8	1	1	0	6	2
75	3	0	0	0	3	2
Citywide Totals	122	19	4	7	92	35

Resources and Supports Provided to Schools during SY 2020-2021

Since School Year 2016-2017, the DOE has implemented a number of school climate initiatives and supports to support the whole child and to ensure the academic and social-emotional success of every student.

Resources and training provided focus on developing and maintaining an inclusive school culture free from discrimination and are targeted to address trends in the types of bias-based behavior.

- 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 Harmony to introduce social-emotional learning in elementary schools.
- During School Year 2020-2021 (SY20-21), 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 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 SY20-21 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.
 - Targeted social-emotional and restorative curriculum resources and training for approximately 500 middle and high schools and approximately 400 elementary schools
 - Implicit bias and culturally responsive practices trainings to confront bias for school staff
 - Training for social workers on dating violence prevention
 - Training for school staff on LGBTQ+ inclusion
 - Training in bullying prevention and intervention in a social – emotional learning and restorative justice framework
 - Training in restorative circles on racial equity and community building
 - Strategies and tools for confronting bias
 - Training 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
- 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 to schools from BCO staff
- Borough crisis teams, staffed by School Response Clinicians (SRCs), provided in partnership with ThriveNYC, that are deployed in response to urgent crises to provide immediate clinical care
- One Title IX Liaison aligned with each BCO who will conduct investigations and provide support to schools regarding Title IX incidents
- Due to unprecedented health, economic, and inequitable racial impacts of COVID-19 on NYC students, families, and schools, the DOE connected students and staff to mental health care and launched the:
 - 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
 - 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

- 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

Description of Trends Reflected in Data for SY2020-2021

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.” As the result of the continued COVID-19 public health crisis, DOE elementary and middle schools were opened for at least part of the school year, whereas high schools operated remotely for most of the year. This significantly impacted the nature and number of bullying complaints and material incidents and 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 elementary and middle schools unlike the SY2019-2020 where similarities were seen in middle and high schools. 47% of these complaints were determined to be Material Incidents a 21.7% decrease when compared to SY2019-2020.

- **Grade Span Breakdown:** 28.3% of Bullying Complaints arose in elementary schools, 26.6% arose in middle schools, 18.8% arose in high schools and 15.9% took place in schools with K-8 configurations.
- **Material Incidents:** 47.12% of all Bullying Complaints were determined to be Material Incidents.
 - **Grade Span Breakdown:** 30.6% arose in middle schools, 23.3% arose in high schools, 20.2% arose in elementary schools and 14.6% took place in schools with grade K-8 configurations.

Bias-related Material Incidents Resulting from Bullying Complaints

The data indicates that approximately 34% of Material Incidents were bias-based and that 36% of those incidents involved racial bias, representing a 36% increase in bias-based Material Incidents and a 44% increase in racial biases when compared to SY2019-2020.

- Of all Material Incidents resulting from Bullying Complaints 33.96% were bias-related.
 - **Grade Span Breakdown:** 34.19% arose in middle schools, 22.79% arose in high schools, 16.18% arose in elementary schools, and 15.07% took place in schools with grades k-8 configurations.
 - The most prevalent bias types were: Race- 36.03%, Weight-24.63%, Sexual Orientation- 21.32%, Ethnicity/National Origin or both-15.07%, and Gender-9.19%.

Cyberbullying Complaints

The data indicates that approximately 57% of all Bullying Complaints were identified as cyberbullying and that 46.4% of those complaints occurred in the Fall Semester while 53.6% occurred in the Spring Semester.

- 90.30% of all Material incidents in the Fall Semester involved cyberbullying while 54.98% of all Material incidents in the Spring Semester involved cyberbullying.
- The high percentage of bullying complaints that were cyberbullying can likely be attributed to the extensive use of the internet for school programming during the 20-21SY.

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 SY20-21 NODs were sent to parents of 98% of the students requiring NODs and 90% of those NODs were sent timely.

- As set forth in the spring data above NODs were sent to parents of 97% of the students requiring NODs and 88% of those NODs were sent timely.
 - There were 122 late NODs, 92 of which were sent more than 10 days after the receipt of the Bullying Complaints due programming issues in OORS preventing the notices from being sent at the end of the school year.

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 decreased by 77% in SY20-21 when compared to SY19-20.

- 85.19% of students who required an ISP were the victim of only two Material Incidents.
- Grade Span Breakdown: Of the students requiring an ISP, 33.33% attended high school, 33.33% attended middle school, 14.81% were from K-8 configuration and 11.11% attended elementary school.

Recommendations

Based on the SY20-21 data and the trends identified above, the DOE recommends the following:

1. The DOE should continue to expand restorative justice programming to all middle and high schools citywide, as investments in a restorative model can have 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. 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. Considering the ongoing impacts of the COVID-19 pandemic, the DOE should expand upon existing support provided to schools by updating the Bridge to School Plan with additional SEL and wellness activities and strategies for students, as well as adults.
3. To build on the City's unprecedented social emotional investments, the DOE should ensure that every school will have access to mental health support through either a social worker or mental health clinic by hiring 500 social workers and adding 100 new community schools 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.