



New York City Comptroller  
John C. Liu

NEWS RELEASE

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## **LIU: DOE PULLS PUNCHES ON BULLYING**

***Dept. of Education Failed to Take Bias Bullying Seriously; Agency Didn't Enforce Its Own Reporting Requirements for Student Harassment, Audit Finds***

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NEW YORK, N.Y. — Comptroller John C. Liu today announced that the Department of Education had failed to effectively record and track Citywide incidents of student-to-student, bias-based harassment and bullying based on race, creed, nationality, sexual orientation or body type. The DOE adopted regulations in 2008 for recording, investigating, and following up on bias bullying complaints, but the agency did not update its online reporting system and has been unable to automatically flag and track incidents recorded by schools, Comptroller Liu's audit found. Staffers were basically sifting for bias incidents among thousands of reports by hand.

“The DOE needs to show parents, students and educators that it takes bullying seriously,” Comptroller Liu said. “DOE cannot combat bullying and protect students from bias harassment when its own tracking system is blind to it. The DOE is famous for employing legions of expensive consultants, but for years it couldn't find someone to write that simple code? Every day, students are unable to learn because they are bullied for their race, religion, sexual orientation, or body type. Our children deserve better. The DOE needs to do better.”

“In my own district, we are still grieving a tragic incident of bullying that led the young victim to take his own life,” said Assemblyman Robert J. Rodriguez, District 68, East Harlem. “This audit will be an important step in making sure that what happened to 12-year-old Joel Morales does not happen again.”

“In order to ensure that all students have access to safe and positive learning environments, the DOE must make student safety a priority by systematically addressing bullying and bias harassment in schools,” said Tejpreet Kaur, Director of Community Development for the Sikh Coalition. “Regular, competent, and consistently reported tracking of bullying incidents in city schools is critical to addressing the problem. If the DOE's prohibitions on school bullying are going to be more than paper tigers, more resources must be invested in implementation, diversity education, and restorative justice practices.”

“I am appalled at the incompetence and negligence of the Department of Education,” said Mona Davids, President, New York City Parents Union. “Throughout the country and in New York City, students are being bullied to death, committing suicide and afraid to come to school, yet the DOE cannot even enforce their own reporting requirement to classify and tabulate bullying and harassment incidents. Unbelievable. The DOE has money for useless consultants but not for a

basic online system to track and combat bullying. The DOE's disregard for our children's safety and well being is despicable and clearly shows parents this administration does not put *our* children first."

### **Background on Efforts to Track and Curtail Bullying**

In 2004, the NYC Council passed the Dignity in All Schools Act, over the Mayor's veto, mandating that the DOE record, track, and provide annual statistics on discriminatory harassment and bullying. City Hall never implemented the law. Then, in 2008, the DOE created Chancellors Regulation CR-A832, which substantially adopted the requirements of the 2004 Council Act. Finally, in July 2012, Governor Cuomo signed the Dignity for All Students Act (DASA), which contains many of the requirements for tracking and accounting for bullying found in the NYC Council's 2004 law and the DOE's 2008 regulation.

### **Audit Findings**

Comptroller Liu launched the audit to determine if the DOE and schools were following the 2008 Chancellor's regulation. Under the regulation, principals and other designated staffers at schools report complaints and incidents of bullying and other behavioral infractions to the DOE's Online Occurrence Reporting System (OORS), a database that enables staffers to rank the complaints by the Disciplinary infraction code from 1 to 5, with 5 being the most severe. Not all recorded bias incidents are severe enough to trigger the regulation; the bullying must have interfered with a child's ability to learn, according to the DOE.

DOE officials told auditors that, through the 2011-2012 school year, the online system could not identify bias-bullying incidents that violated the 2008 regulation because OORS was not equipped to classify them and sort them out.

Comptroller Liu's audit found that when faced with the fact that their online data-collection system didn't capture violations of the Chancellor's regulation, DOE staffers resorted to identifying bias-incidents in OORS, first by sorting them by their infraction code and then using keyword searches for specific slurs and insults in the behavior reports' comments field, in order to compile and report Citywide incidents of bias-based harassment and bullying. When DOE staffers found certain keywords, they would read the accompanying details to determine if the incident was in fact bias-related. Such a subjective and inaccurate system for identifying bias incidents in schools made it impossible for the DOE to properly track and identify problems and trends in bullying in schools, the audit found.

### **2009-2010 bullying reports**

In the 2009-2010 school year, the DOE recorded 8,298 bias incidents, which accounted for 6 percent of all behavioral incidents. Because of the flaws described above, however, the DOE could not determine how many incidents violated the 2008 regulation and required particular handling. Moreover, the DOE's sorting system for bias-incidents did not differentiate between student-to-student harassment (covered by CR-A832) and student-to-staff harassment (not covered by CR-A832).

Percentage of Bias-Related Incidents by  
Discipline Code Infraction Level for All incidents at All Grade Levels\*

Discipline Code Infraction Level	Percentage of All Incidents with At Least One Bias
Level 1 (Least Serious)	4.18%
Level 2	13.63%
Level 3	22.86%
Level 4**	57.65%
Level 5 (Most Serious)	1.68%

\* Source: DOE's "OORS Audit of Bias-Related Harassment Incidents 2009-2010" report

\*\* According to the DOE, most Level 4 incidents related to sexually suggestive comments or physical conduct of a sexual nature.

### **Lack of Oversight**

Comptroller Liu's audit examined 40 bias-bullying reports sent to DOE by three schools — Murry Bergtraum HS, Jordan L. Mott JHS 022, and Juan Morel Campos PS 290 — during the 2009-2010 school year. Of these, 27 (67 percent) were student-to-student, but DOE could not be assured that the schools consistently followed the guidelines of the 2008 regulation. Comptroller Liu's audit did not expand its examination to more schools because the DOE could not determine how many violations of the regulation had occurred, making a larger sample irrelevant.

The audit further examined the schools handling of 10 bias-bullying incidents and found that each school quickly reported the incidents and properly investigated and followed up on them, including reaching out to parents of students involved. However, the schools did not provide the alleged student victims of the bullying with a written report on the outcome of their investigation within 10 days of the incidents, as required by the regulation.

If the DOE cannot monitor whether schools consistently follow its own student-to-student anti-bullying regulation, it cannot effectively identify problem areas or trends in such behavioral infractions in schools.

Auditors noted that, as of May 2012, the DOE had still not made any changes to the live OORS system used Citywide. Yet, at the very end of the audit process, DOE officials stated that they had modified OORS so that it complied with state DASA reporting requirements and captures violations of the Chancellors 2008 regulation. Without actual evidence of these improvements (i.e., data, such as the total number of incidents for the 2012-2013 school year), the audit could not verify the DOE's assertion and whether it was now able to identify and report such incidents.

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johnliu" to 40404. View the latest Comptroller's office videos on [YouTube](#).*

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