

# Community Guardian's Report

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## THE NY PAGAN SCHOOL SYSTEM

*Teach Love for All Faiths, Practices and Sexual Conducts,*

*New York State Legislature*

*Demands All Public and Private Schools*

**Summary.** The Dignity for All Students Act calls for measures to protect children from being bullied at school. But by naming specific categories of protected students, the statute may violate the freedom of religion of students in private schools and freedom of speech of students in public schools.

**Background.** Last month, the N.Y. State Senate joined the Assembly in passing the "Dignity for All Students Act." (DASA). The Bill (S 1987-B; A03661C) looks to protect students from bullying, taunting and intimidation. It states that its intention is to afford all students "an environment free of discrimination and harassment." The bill calls for training for teachers and staff to address instances of harassment and discrimination; requires monitoring and reporting of such incidents; and mandates the teaching of special classes about sensitivity to harassment, for students from kindergarten age and up.

**Controversial Provisions.** News sources report that over 40 other states in the U.S. have anti-bullying laws on the books. Of those, only about a dozen include what are called, "enumerated" protections. Whereas most anti-bullying statutes call for eliminating bullying in general, the DASA goes the extra step of naming special categories of people to be protected.

Specifically, the DASA mandates protection from harassment for “people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, or genders.”

Critics have questioned the need to list specific categories of people singled out for protection. By setting out specific names, it therefore excludes all those not listed. For example, the DASA as written extends no protection to students who are harassed for being poor, for being ugly, or for being unpopular.

***What’s Not Being Said.*** Numerous public statements from legislators and advocacy groups claim that the statute is directed only to the public schools. However, the language that excludes private schools in this Bill appears to cover only the requirement of teacher training, monitoring and reporting of harassment to state authorities. Amended Section 801-a, which mandates classes teaching “tolerance,” is located in a completely different Article of the Education Law (Article 17) and may very well bind private schools as well.

***The Cause for Concern.*** We applaud the Senate and Assembly for formulating in the DASA some of the finest statements of the vision of America as a place of equal opportunity. The power of tolerance and respect for others, and cooperation for our mutual best interest, is one of the most refined ideals of civilization.

However, we are concerned that, beyond the letter of the statute, when put into practice the application of the law might not take into account the particular sensitivities of religious schools. Religious schools are founded with a desire to teach that one’s own religious beliefs and practices are preferable to others, and one’s own moral values are truer than others. The State has no authority to dictate that private schools instruct their students about “awareness and sensitivity to discrimination and harassment,” or “civility in the relations of people” who hold religious beliefs, religious practices or sexual practices wholly alien to their own.

***Analysis.*** Teaching moral values shared by nearly all people is certainly a noble goal. The earlier version of the statute simply called for instructing students in “honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity,” among other traits.

A government mandate that private schools instruct students to learn sympathy and sensitivity for other religions, other religious practices, other sexual orientations or other “genders” (including cross-dressing) is patently unconstitutional. This problem is heightened by the requirement that schools teach respect for these morally-charged categories as early as the kindergarten level.

Once the DASA requires all schools to teach that all religions, religious practices, and sexual orientations are essentially valid, all worthy of respect and all worthy of being protected from anyone saying anything negative about them, then the statute becomes a moral code of its own. This moral code is broadly identified as “secular humanism,” a hodge-podge of philosophies borrowed from many cultures. The cornerstone of secular humanism is the uniting theme, that “they’re all true,” and “no one has a right to say he knows the truth, any more than anyone else.” On closer inspection, secular humanism may be nothing more than a religion of its own.

The noble desire to promote tolerance has been redirected, through the DASA, to obliterate all boundaries between religious groups and flatten the integrity of moral judgments. The statute would force the most tender and impressionable members of our society to learn to sympathize for religious practices, religions and sexual conduct wholly different from what their parents are paying tuition money to teach them.

Further, even in the public schools, the measures that require teacher training, monitoring and reporting to state officials of all conduct that can be deemed “harassment” may quickly be turned into just another method for students to bully others. For nothing more than voicing his disapproval of another

student's religious practices, or his distaste for another student's sexual practices, a student may find himself punished and subject to monitoring, by a vindictive classmate. Outside the school system, such laws are called "hate speech legislation," and they strike at the heart of this nation's protections of freedom of speech, by penalizing and discouraging unpopular ideas and perspectives.

As it stands, the statute gives no guidance for defining at what point a student's simply discussing religions or sexual orientation with another, would cross over the line into "harassment." It seems though, that any type of discussion that touches on the enumerated categories could potentially trigger an investigation on the charge of harassment.

By eliminating the enumerated categories, the Legislature can avoid countless misunderstandings and waste of resources and let teachers and school officials focus on curbing truly abusive behavior.

**Conclusion.** The New York State Legislature first and foremost needs to do one of the following: 1) Stop picking and choosing who should enjoy protection, and strike the enumerated categories in DASA and revise them with a general statement about promoting respect for the dignity of all people. 2) Alternatively, if the enumerated categories are not eliminated, private schools must be exempted from the requirement to teach anything about other religions, religious practices or sexual orientations or genders. 3) Provisions for instructing, monitoring and reporting harassment must be tailored with greater specificity to prevent stifling freedom of speech. Under the current version of the DASA, it would be all too easy to brand children pariahs for voicing objection to the religions or sexual practices of others, should a student wishing to make trouble fabricate a charge of harassment based on an innocuous comment from his classmate.

With these small revisions, the DASA will be able to fulfill the beautiful vision, and be a credit to all the Senators and Assemblymen who voted for it.

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