by Andy Humm
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For more than a decade, the State Senate has resisted passing legislation to combat bullying in schools -- partly because it targeted bullying based on sexual orientation and gender identity and expression.

You have to wonder what the real controversy was because when the bill was voted on by the Senate on June 22, it passed 58 to 3. The “Dignity for All Students Act,” however, does not go into effect until July 1, 2012.

New York City passed its own version of the law back in 2003, but Mayor Bloomberg refused to enforce it, citing his sole control over the schools. In recent years, under pressure from a variety of groups concerned about bullying, including the Sikh Coalition, the Department of Education issued a Chancellor’s Regulation on bullying. It then stepped up a program called Respect for All, which is supposed to reach into every school and give all students access to someone who will take their bullying complaints seriously.

As we reported in Gotham Gazette in March , the city has scant data on the extent of bullying in schools. The new state law requires reporting instances of bias harassment to the State Department of Education as well as mandated trainings for staff, among other provisions. It lacks a cyber bullying provision, according to Bully Police USA . It has been hailed as a huge step forward by most advocates.

The U.S. Department of Education just held its first national summit on school bullying on August 11 and 12 in Washington. The National Center for Education found that in the 2007-08 school year, almost a third of students aged 12 through 18 reported being bullied -- mostly teasing and being subject to rumors, which sometimes led to harassment and violence, including suicide.

No-Fault and Gay Divorce

Back in 2006, I wrote about why New York was the last state to adopt a no-fault divorce law. The odd couple of the conservative Roman Catholic Church, who opposes divorce period and doesn't want to see it get easier, and the feminist National Organization for Women resisted it. NOW was concerned about the plight of the poorer spouse (most often a woman) who could be

outmaneuvered by a rich spouse in court. The current law had the drawback of forcing many partners to lie about engaging in adultery in order to legally justify the divorce.

Gov. David Paterson just signed a no-fault divorce law on August 15. He also signed another bill that creates “a presumption that a less monied spouse in a divorce case is entitled to payment of attorneys' fees,” according to his press release.

While no-fault is a big change for New York, it is also the first time state law explicitly recognizes married same-sex couples.

Gay couples cannot get a marriage license in New York. But if they legally marry elsewhere, they are recognized as married here for legal purposes (except in the case of state taxes thanks to a narrow interpretation of the tax law by the state Department of Taxation and Finance).

But even though the Senate voted against a bill opening marriage to same-sex couples, it passed the Assembly. Now the no-fault divorce bill includes explicit reference to same-sex married couples: “It is the intent of this legislation to grant full recognition and respect to valid marriages of same-sex couples to obtain relief under New York State laws and in New York's courts.”

So, the Senate won’t let gay couples marry here but they have no problem with them divorcing here.

The bigger news on the same-sex marriage front was federal Judge Vaughn Walker’s overturning of California’s Proposition 8 that banned recognition of same-sex marriages in the state constitution (except for those performed before the ban went into effect in November 2008). On appeal the U.S. Supreme Court could eventually find a federal right to marriage for same-sex couples the way it found one for interracial couples in 1967
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The Ninth Circuit stayed Judge Walker’s decision on August 13, setting oral arguments for the

appeal on December 6.

The California case overshadowed a July 9 decision by US District Judge Joseph Tauro that found the federal Defense of Marriage Act unconstitutional insofar as it bars legally married same-sex couples in Massachusetts from any federal recognition of benefits like Social Security. While same-sex couples can marry in five states (Connecticut, Iowa, Massachusetts, New Hampshire and Vermont) and the District of Columbia, none are entitled to federal rights including those recognized as married in New York. It remains to be seen whether the Obama Justice Department will appeal this decision to the First District.

Andy Humm, a former member of the City Commission on Human Rights, has been in charge of the civil rights topic page since its inception in 2001. He is co-host of the weekly "Gay USA" on Manhattan Neighborhood Network (34 on Time-Warner; 107 on RCN) on Thursdays at 11 PM.