

3952

2013-2014 Regular Sessions

I N S E N A T E

February 28, 2013

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the education law, in relation to the parent's right to know of allegations of inappropriate conduct by a school district employee, volunteer or administrator

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 23-C
2 to read as follows:

3 ARTICLE 23-C

4 PARENT'S RIGHT TO KNOW ACT

5 SECTION 1134. SHORT TITLE.

6 1135. DEFINITIONS.

7 1136. PARENT'S RIGHT TO KNOW.

8 S 1134. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
9 THE "PARENT'S RIGHT TO KNOW ACT".

10 S 1135. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING
11 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

12 1. "EMPLOYEE" SHALL MEAN A SCHOOL BOARD MEMBER ACTING IN HIS OR HER
13 CAPACITY AS A SCHOOL BOARD MEMBER, AS WELL AS ANY PERSON RECEIVING
14 COMPENSATION FROM A SCHOOL DISTRICT OR EMPLOYEE OF A CONTRACTED SERVICE
15 PROVIDER OR WORKER PLACED WITHIN THE SCHOOL UNDER A PUBLIC ASSISTANCE
16 EMPLOYMENT PROGRAM, PURSUANT TO TITLE NINE-B OF ARTICLE FIVE OF THE
17 SOCIAL SERVICES LAW, AND CONSISTENT WITH THE PROVISIONS OF SUCH TITLE
18 FOR THE PROVISION OF SERVICES TO SUCH DISTRICT, ITS STUDENTS OR EMPLOY-
19 EES, DIRECTLY OR THROUGH CONTRACT, WHEREBY SUCH SERVICES PERFORMED BY
20 SUCH PERSON INVOLVE DIRECT STUDENT CONTACT.

21 2. "VOLUNTEER" SHALL MEAN ANY PERSON, OTHER THAN AN EMPLOYEE, WHO
22 PROVIDES SERVICES TO A SCHOOL OR SCHOOL DISTRICT, WHICH INVOLVE DIRECT
23 STUDENT CONTACT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 3. "ADMINISTRATOR" OR "SCHOOL ADMINISTRATOR" SHALL MEAN A PRINCIPAL,
2 ASSISTANT PRINCIPAL, SUPERINTENDENT OR ASSISTANT SUPERINTENDENT OF A
3 PUBLIC SCHOOL, CHARTER SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
4 SERVICES, OR OTHER CHIEF SCHOOL OFFICER.

5 S 1136. PARENT'S RIGHT TO KNOW. EVERY PUBLIC SCHOOL DISTRICT, OR ANY
6 OTHER SCHOOL WHICH PRIMARILY SERVES PERSONS UNDER THE AGE OF EIGHTEEN
7 AND WHICH IS REGISTERED WITH THE DEPARTMENT SHALL, WITHIN SIXTY DAYS OF
8 THE ENACTMENT OF THIS SECTION, ADOPT A POLICY WHICH SHALL PROVIDE FOR
9 NOTIFICATION AS SOON AS REASONABLY PRACTICABLE TO A PARENT OR LEGAL
10 GUARDIAN OF AN AFFECTED STUDENT OR STUDENTS OF INAPPROPRIATE CONDUCT BY
11 AN EMPLOYEE, VOLUNTEER OR ADMINISTRATOR OF A SCHOOL DISTRICT WITH
12 RESPECT TO A PARTICULAR STUDENT OR STUDENTS IN THE EVENT THAT THE SUPER-
13 INTENDENT OF SCHOOLS, THE SCHOOL BOARD, OR ANY MEMBER OF THE SCHOOL
14 BOARD ACTING WITH THE AUTHORIZATION OF SUCH BOARD, SUCH AUTHORIZATION TO
15 HAVE BEEN PROVIDED DURING AN EXECUTIVE SESSION, PROVIDES A WRITTEN
16 CENSURE, REPRIMAND, OR OTHERWISE IN WRITING ADVISES AN EMPLOYEE, VOLUN-
17 TEER, OR AN ADMINISTRATOR OF THE SCHOOL DISTRICT OF SUCH PERSON'S INAP-
18 PROPRIATE CONDUCT WITH RESPECT TO A PARTICULAR STUDENT OR STUDENTS.

19 S 2. This act shall take effect immediately; provided, however, that
20 this act shall not impair any provision of a collective bargaining
21 agreement in effect prior to the effective date of this act which is
22 contradictory to the provisions of this act. Any such provisions shall
23 expire no later than on such agreements existing expiration date.