S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N A S S E M B L Y

June 5, 2015

Introduced by M. of A. PAULIN, PERSAUD, SIMON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to teen dating violence education programs

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

Section 1. Subdivision 7 of section 11 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

7. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation, COERCION or abuse, including cyberbullying OR TEEN DATING VIOLENCE, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

S 2. Section 11 of the education law is amended by adding a new subdivision 9 to read as follows:

9. "TEEN DATING VIOLENCE" SHALL MEAN EMOTIONAL ABUSE, ELECTRONIC ABUSE, SEXUAL ABUSE WHICH INCLUDES SEXUAL COERCION, AND/OR PHYSICAL

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

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ABUSE BY A PERSON TO HARM, THREATEN, INTIMIDATE, CONTROL, AND/OR ATTEMPT TO CONTROL ANOTHER PERSON IN A RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE, REGARDLESS OF WHETHER THAT RELATIONSHIP IS CONTINUING OR HAD CONCLUDED OR THE NUMBER OF INTERACTIONS BETWEEN THE INDIVIDUALS INVOLVED.

S 3. Section 13 of the education law is amended by adding a new subdivision 6 to read as follows:

6. GUIDELINES RELATING TO THE DEVELOPMENT OF STRATEGIES AND RESPONSES TO TEEN DATING VIOLENCE AS PROVIDED IN SECTION THIRTEEN-A OF THIS ARTICLE.

S 4. The education law is amended by adding a new section 13-a to read as follows:

S 13-A. POLICIES, PROCEDURES AND GUIDELINES FOR TEEN DATING VIOLENCE EDUCATION PROGRAMS. 1. THE BOARD OF EDUCATION AND THE TRUSTEES OR SOLE TRUSTEE OF EVERY SCHOOL DISTRICT SHALL CREATE POLICIES, PROCEDURES AND GUIDELINES TO IMPLEMENT EDUCATION PROGRAMS FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE TO PREVENT, DETER AND ADDRESS INCIDENTS OF TEEN DATING VIOLENCE THAT INCLUDE, BUT ARE NOT LIMITED TO:

A. INCORPORATING AGE-APPROPRIATE INFORMATION ABOUT HEALTHY RELATIONSHIPS AND TEEN DATING VIOLENCE INTO THE SCHOOL'S EXISTING CURRICULUM THAT INCLUDES: (I) A DEFINITION OF TEEN DATING VIOLENCE; (II) RECOGNITION OF WARNING SIGNS; (III) CHARACTERISTICS OF A HEALTHY RELATIONSHIP; (IV) LINKS BETWEEN BULLYING AND TEEN DATING VIOLENCE; (V) RESPONSIBLE USE OF TECHNOLOGY; AND (VI) RESPONSIBLE BYSTANDER SKILLS AND BEHAVIORS;

B. PROVIDING TRAINING PROGRAMS FOR TEACHERS, ADMINISTRATORS AND PERSONNEL;

C. DESIGNATING AT LEAST ONE PERSON AS A PREVENTION LIAISON WHO IS RESPONSIBLE FOR COORDINATING ALL TEEN DATING VIOLENCE AND HEALTHY RELATIONSHIP INITIATIVES; AND

D. DEVELOPING A RESPONSE PROGRAM TO INCIDENTS OF TEEN DATING VIOLENCE, WHICH INCLUDES MONITORING AND REPORTING COMPONENTS.

2. THE BOARD OF EDUCATION AND THE TRUSTEES OR SOLE TRUSTEE OF EVERY SCHOOL DISTRICT SHALL CREATE SUCH POLICIES, PROCEDURES AND GUIDELINES IN CONSULTATION WITH THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE AND LOCAL COMMUNITY PROVIDERS, AND INCLUDE WITHOUT LIMITATION SUCH MODEL PROVISIONS AS ARE RECOMMENDED BY THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE.

S 5. Paragraph j of subdivision 2 of section 2801-a of the education law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

j. strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, INCLUDING TEEN DATING VIOLENCE, and establishing anonymous reporting mechanisms for school violence; and

S 6. Section 801-a of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

S 801-a. Instruction in civility, citizenship and character education. The regents shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on PREVENTING AND discouraging acts of harassment, bullying, INCLUDING TEEN DATING VIOLENCE, discrimination, observance of laws and rules, courtesy, dignity and other traits which

will enhance the quality of their experiences in, and contributions to, the community. Such component shall include instruction of safe, responsible use of the internet and electronic communications. The regents shall determine how to incorporate such component in existing curricula and the commissioner shall promulgate any regulations needed to carry out such determination of the regents. For the purposes of this section, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to harassment, bullying, INCLUDING TEEN DATING VIOLENCE, discrimination and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

S 7. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of education is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.