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

1163

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Education

AN ACT to amend the civil rights law, in relation to creating the parent and pupil rights act

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

Section 1. The civil rights law is amended by adding a new section 85 to read as follows:

S 85. PARENT AND PUPIL RIGHTS ACT. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CHILDREN" MEANS PERSONS NOT ABOVE AGE TWENTY-ONE WHO ARE ENROLLED IN A PROGRAM NOT ABOVE THE ELEMENTARY OR SECONDARY EDUCATION LEVEL.

(B) "PRIOR CONSENT" MEANS:

(I) PRIOR CONSENT OF THE STUDENT, IF THE STUDENT IS AN ADULT OR EMANCIPATED MINOR; OR

(II) PRIOR WRITTEN CONSENT OF THE PARENT OR GUARDIAN, IF THE STUDENT IS AN UNEMANCIPATED MINOR.

(C) "PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION OR TEST" MEANS A METHOD OF OBTAINING INFORMATION, INCLUDING A GROUP ACTIVITY, THAT IS DESIGNED TO ELICIT INFORMATION ABOUT ATTITUDES, HABITS, TRAITS, OPINIONS, BELIEFS OR FEELINGS.

(D) "PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT" MEANS AN ACTIVITY INVOLVING THE PLANNED, SYSTEMATIC USE OF METHODS OR TECHNIQUES DESIGNED TO AFFECT BEHAVIORAL, EMOTIONAL, OR ATTITUDINAL CHARACTERISTICS OF AN INDIVIDUAL OR GROUP.

(E) "PSYCHIATRIC OR PSYCHOLOGICAL RESEARCH OR EXPERIMENTATION PROGRAM OR PROJECT" MEANS ANY PROGRAM OR PROJECT IN THE PUBLIC SCHOOLS OF THIS STATE THAT IS DESIGNED TO EXPLORE OR DEVELOP NEW OR UNPROVEN TEACHING METHODS OR TECHNIQUES DESIGNED TO AFFECT BEHAVIORAL, EMOTIONAL, OR ATTITUDINAL CHARACTERISTICS OF AN INDIVIDUAL OR GROUP.

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

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2. ALL INSTRUCTIONAL MATERIAL, INCLUDING TEACHERS' MANUALS, FILMS, TAPES, OR OTHER SUPPLEMENTARY INSTRUCTIONAL MATERIAL, WHICH WILL BE USED IN CONNECTION WITH ANY PSYCHIATRIC OR PSYCHOLOGICAL RESEARCH OR EXPERIMENTATION PROGRAM OR PROJECT, AS DEFINED IN PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, SHALL BE AVAILABLE FOR INSPECTION BY THE PARENTS OR GUARDIANS OF THE CHILDREN INVOLVED IN SUCH PROGRAM OR PROJECT PRIOR TO THE IMPLEMENTATION OF SUCH PROGRAM OR PROJECT.

3. NO STUDENT SHALL BE REQUIRED, AS PART OF ANY PROGRAM, PROJECT, CLASS, COURSE, OR ACTIVITY IN THE PUBLIC SCHOOLS OF THIS STATE, TO SUBMIT WITHOUT PRIOR CONSENT TO PSYCHIATRIC EXAMINATION, TESTING, OR TREATMENT, OR PSYCHOLOGICAL EXAMINATION, TESTING, OR TREATMENT, IN WHICH THE PRIMARY PURPOSE IS TO REVEAL INFORMATION CONCERNING ONE OR MORE OF THE FOLLOWING:

(A) POLITICAL AFFILIATIONS;

(B) RELIGIOUS BELIEFS AND PRACTICES;

(C) MENTAL AND PSYCHOLOGICAL PROBLEMS POTENTIALLY EMBARRASSING TO THE STUDENT OR HIS OR HER FAMILY;

(D) SEX BEHAVIOR AND ATTITUDES;

(E) ILLEGAL, ANTI-SOCIAL, SELF-INCRIMINATING AND DEMEANING BEHAVIOR;

(F) CRITICAL APPRAISALS OF OTHER INDIVIDUALS WITH WHOM THE STUDENT HAS CLOSE FAMILY RELATIONSHIPS;

(G) LEGALLY RECOGNIZED PRIVILEGED AND ANALOGOUS RELATIONSHIPS, SUCH AS THOSE OF LAWYERS, PHYSICIANS, AND MINISTERS; OR

(H) INCOME, OTHER THAN THAT REQUIRED BY LAW, TO DETERMINE ELIGIBILITY FOR PARTICIPATION IN A PROGRAM OR FOR RECEIVING FINANCIAL ASSISTANCE UNDER A PROGRAM.

4. NO STUDENT SHALL BE SUBJECTED, AS PART OF ANY PROGRAM, PROJECT, CLASS, COURSE OR ACTIVITY IN THE PUBLIC SCHOOLS OF THIS STATE, TO ANY EDUCATIONAL ACTIVITY IN WHICH THE STUDENT IS ASKED TO PLACE HIS OR HER MIND IN A PASSIVE POSTURE SUCH AS IN MEDITATION OR OTHER STRESS-REDUCTION TECHNIQUE, WITHOUT PRIOR CONSENT.

5. EDUCATIONAL AGENCIES AND INSTITUTIONS SHALL GIVE PARENTS AND STUDENTS EFFECTIVE NOTICE OF THEIR RIGHTS UNDER THIS SECTION.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.