

3619

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the education law, in relation to conduct on school
property

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

1 Section 1. The education law is amended by adding a new section 2803
2 to read as follows:

3 S 2803. UNIFORM INCIDENT REPORTING SYSTEM REGARDING REMOVAL OF
4 STUDENTS AND OTHER PERSONS FROM CLASSROOMS AND SCHOOL PROPERTY. 1. THE
5 COMMISSIONER SHALL ESTABLISH A STATEWIDE UNIFORM INCIDENT REPORTING
6 SYSTEM WHICH PUBLIC SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL
7 SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS SHALL
8 FOLLOW.

9 2. THE UNIFORM INCIDENT REPORTING SYSTEM REGARDING REMOVAL OF STUDENTS
10 AND OTHER PERSONS FROM CLASSROOMS AND SCHOOL PROPERTY SHALL CREATE A
11 REGISTRY AND SHALL REQUIRE PUBLIC SCHOOL DISTRICTS, BOARDS OF COOPER-
12 ATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION
13 BOARDS TO ANNUALLY REPORT TO THE COMMISSIONER IN A FORM AND BY A DATE
14 PRESCRIBED BY THE COMMISSIONER, THE FOLLOWING INFORMATION CONCERNING
15 STUDENTS AND THE OTHER PERSONS WHO ARE REMOVED FROM CLASSROOMS AND
16 SCHOOL PROPERTY PURSUANT TO THIS ARTICLE:

17 A. THE NAME OF THE SCHOOL DISTRICT OR DISTRICTS IN WHICH THE REMOVAL
18 OF THE STUDENT OR STUDENTS OR OTHER PERSON OR PERSONS FROM A CLASSROOM
19 OR SCHOOL PROPERTY OCCURRED;

20 B. THE NAME OF THE TEACHER, THE NAME OF THE SCHOOL AND THE LOCATION OF
21 THE SCHOOL AT WHICH THE REMOVAL OCCURRED;

22 C. IF THE INDIVIDUAL REMOVED IS A STUDENT, THE AGE AND GRADE OF THE
23 STUDENT;

24 D. THE REASONS STATED BY THE TEACHER FOR THE REMOVAL;

25 E. THE ACTION TAKEN BY THE SCHOOL IN RESPONSE TO THE INCIDENT;

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

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1 F. WHETHER ANY DISCIPLINARY ACTION WAS TAKEN AGAINST THE STUDENT, AND
2 IF SO, THE TYPE OF DISCIPLINARY ACTION TAKEN AGAINST THE STUDENT;

3 G. BY JANUARY FIRST OF EACH YEAR, THE COMMISSIONER SHALL REPORT TO THE
4 GOVERNOR, THE LEGISLATURE AND THE REGENTS CONCERNING THE PREVALENCE OF
5 INCIDENTS INVOLVING REMOVAL FROM THE CLASSROOM. THE REPORT SHALL SUMMA-
6 RIZE THE INFORMATION AVAILABLE FROM THE REGISTRY AND INCIDENT REPORTING
7 SYSTEM AND IDENTIFY SPECIFICALLY THE SCHOOLS AND SCHOOL DISTRICTS WITH
8 THE LEAST AND THE GREATEST INCIDENCE OF INCIDENTS AND THE NAMES OF
9 TEACHERS AND NUMBER OF CLASSROOM REMOVALS INITIATED BY EACH SUCH INDI-
10 VIDUAL TEACHER. THE REPORT SHALL ALSO, TO THE EXTENT POSSIBLE, RELATE
11 THE RESULTS AVAILABLE FROM THE REGISTRY, TOGETHER WITH SUCH OTHER ANALY-
12 SIS AND INFORMATION AS THE COMMISSIONER DETERMINES IS APPROPRIATE, TO
13 THE EFFECTIVENESS OF CLASSROOM REMOVAL MEASURES UNDERTAKEN BY PARTIC-
14 IPATING SCHOOLS AND SCHOOL DISTRICTS; AND

15 H. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE
16 PROVISIONS OF THIS SECTION AND TO ASSURE TO THE EXTENT PRACTICABLE THAT
17 THE REPORTS USED BY SCHOOL DISTRICTS ARE UNIFORM AND COMPARABLE WITH
18 RESPECT TO THE TYPES OF INCIDENTS REPORTED AND THE RESPONSES OF THE
19 SCHOOLS AND SCHOOL DISTRICTS. IF THE REPORTS INDICATE A TEACHER HAS AN
20 UNUSUALLY LARGE NUMBER OF REMOVALS OR THE REASONS FOR SAME ARE UNSATIS-
21 FACTORY, SUCH TEACHER SHALL BE SUBJECT TO APPROPRIATE ACTION BY THE
22 COMMISSIONER. SUCH REGULATIONS SHALL PROVIDE FOR THE CONFIDENTIALITY OF
23 ALL PERSONALLY IDENTIFIABLE INFORMATION AND SHALL ENSURE THAT ANY
24 PERSONALLY IDENTIFIABLE INFORMATION WHICH IS COLLECTED IS USED ONLY FOR
25 ITS INTENDED PURPOSE. FURTHER, ANY INFORMATION COLLECTED UNDER THIS
26 SECTION SHALL BE PERPETUATED IN THE REGISTRY FOR FURTHER EVALUATION BY
27 THE COMMISSIONER.

28 S 2. This act shall take effect immediately.