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

980

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, FIELDS, BENJAMIN, PHEFFER, SPANO, WALKER -- Multi-Sponsored by -- M. of A. JOHN, MAGEE, MAYERSOHN, MOLINARO, PERRY, N. RIVERA, P. RIVERA, ROBINSON, WEISENBERG, WRIGHT -- read once and referred to the Committee on Education

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:

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

ARTICLE 23-C

PARENT'S RIGHT TO KNOW ACT

SECTION 1134. SHORT TITLE.
1135. DEFINITIONS.
1136. PARENT'S RIGHT TO KNOW.

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

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

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

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

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

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

S 1136. PARENT'S RIGHT TO KNOW. EVERY PUBLIC SCHOOL DISTRICT, OR ANY OTHER SCHOOL WHICH PRIMARILY SERVES PERSONS UNDER THE AGE OF EIGHTEEN AND WHICH IS REGISTERED WITH THE DEPARTMENT SHALL, WITHIN SIXTY DAYS OF THE ENACTMENT OF THIS SECTION, ADOPT A POLICY WHICH SHALL PROVIDE FOR NOTIFICATION AS SOON AS REASONABLY PRACTICABLE TO A PARENT OR LEGAL GUARDIAN OF AN AFFECTED STUDENT OR STUDENTS OF INAPPROPRIATE CONDUCT BY AN EMPLOYEE, VOLUNTEER OR ADMINISTRATOR OF A SCHOOL DISTRICT WITH RESPECT TO A PARTICULAR STUDENT OR STUDENTS IN THE EVENT THAT THE SUPERINTENDENT OF SCHOOLS, THE SCHOOL BOARD, OR ANY MEMBER OF THE SCHOOL BOARD ACTING WITH THE AUTHORIZATION OF SUCH BOARD, SUCH AUTHORIZATION TO HAVE BEEN PROVIDED DURING AN EXECUTIVE SESSION, PROVIDES A WRITTEN CENSURE, REPRIMAND, OR OTHERWISE IN WRITING ADVISES AN EMPLOYEE, VOLUNTEER, OR AN ADMINISTRATOR OF THE SCHOOL DISTRICT OF SUCH PERSON'S INAPPROPRIATE CONDUCT WITH RESPECT TO A PARTICULAR STUDENT OR STUDENTS.

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