

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 ASSEM-
BLY, 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.

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

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

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

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

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