

1415

2009-2010 Regular Sessions

I N S E N A T E

January 30, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to information concerning minor school children enrolling in and transferring to schools

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

1 Section 1. The opening paragraph and paragraph a of subdivision 2 of
2 section 3212 of the education law, the opening paragraph as amended by
3 chapter 919 of the laws of 1974 and paragraph a as amended by chapter
4 690 of the laws of 1994, are amended to read as follows:
5 Every person in parental relation to another individual [included] OR
6 A MINOR REQUIRED TO ATTEND UPON INSTRUCTION by the provisions of THIS
7 part [one of this article]:
8 a. Shall submit at the time such individual IS NEWLY REGISTERED IN A
9 SCHOOL DISTRICT IN WHICH THEY WERE NEVER PREVIOUSLY REGISTERED begins to
10 attend upon instruction evidence of (I) age as required for the issuance
11 of an employment certificate AND (II) THE NATURE OF THE PARENTAL
12 RELATIONSHIP AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, or show that
13 such evidence cannot be produced. [When such evidence cannot be
14 produced, or when circumstances exist which reasonably indicate that
15 such individual may be a missing child, the superintendent of schools or
16 his or her authorized representative shall report and make inquiry to
17 the statewide central register for missing children pursuant to section
18 eight hundred thirty-seven-e of the executive law. If such child appears
19 to match a child registered with the statewide central register for
20 missing children, or one registered with the national crime information
21 center register, the superintendent or his or her authorized represen-
22 tative shall immediately contact the local law enforcement authority. No
23 civil or criminal liability shall arise or attach to any school district
24 or employee thereof for any act or omission to act as a result of, or in

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

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1 connection with, the duties or activities authorized or directed by this
2 paragraph.]

3 S 2. Section 3212 of the education law is amended by adding a new
4 subdivision 5-a to read as follows:

5 5-A. DUTIES OF THE SUPERINTENDENT. WHENEVER A PERSON IN PARENTAL
6 RELATION TO A MINOR CANNOT PRODUCE THE EVIDENCE REQUIRED, PURSUANT TO
7 PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, OR REFUSES TO PROVIDE
8 THE INFORMATION REQUESTED PURSUANT TO SECTION THIRTY-TWO HUNDRED
9 TWELVE-B OF THIS PART OR WHEN SUCH PERSON FAILS TO SHOW THAT SUCH
10 EVIDENCE CANNOT BE PRODUCED, OR WHEN CIRCUMSTANCES EXIST WHICH REASON-
11 ABLY INDICATE THAT SUCH INDIVIDUAL MAY BE A MISSING CHILD, THE SUPER-
12 INTENDENT OF SCHOOLS OR HIS AUTHORIZED REPRESENTATIVE SHALL MAKE INQUIRY
13 TO THE STATEWIDE CENTRAL REGISTER FOR MISSING CHILDREN PURSUANT TO
14 SECTION EIGHT HUNDRED THIRTY-SEVEN-E OF THE EXECUTIVE LAW. IF SUCH CHILD
15 APPEARS TO MATCH A CHILD REGISTERED WITH THE STATEWIDE CENTRAL REGISTER
16 FOR MISSING CHILDREN, OR ONE REGISTERED WITH THE NATIONAL CRIME INFORMA-
17 TION CENTER REGISTER, THE SUPERINTENDENT OR HIS AUTHORIZED REPRESENTATIVE SHALL IMMEDIATELY CONTACT THE LOCAL LAW ENFORCEMENT AUTHORITY. NO
18 CIVIL OR CRIMINAL LIABILITY SHALL ARISE OR ATTACH TO ANY SCHOOL DISTRICT
19 OR EMPLOYEE THEREOF FOR ANY ACT OR OMISSION TO ACT AS A RESULT OF, OR IN
20 CONNECTION WITH, THE DUTIES OR ACTIVITIES AUTHORIZED OR DIRECTED BY THIS
21 SUBDIVISION.
22

23 S 3. Section 3212-a of the education law, as added by chapter 473 of
24 the laws of 1977, is amended to read as follows:

25 S 3212-a. Records [of telephone numbers]. 1. Each school shall
26 maintain a record of the telephone number of each pupil enrolled in the
27 school and each person in parental relation to such pupil including the
28 residential and business telephone numbers of persons in parental
29 relation to pupils unless such person or pupil chooses not to supply
30 such numbers. The record of such telephone numbers shall, except as
31 otherwise provided by law, be accessible solely for emergency purposes.

32 2. [The provisions of this section shall not be applicable in any
33 school district in which the board of education has adopted a resolution
34 providing that the record otherwise required hereby shall not be main-
35 tained.] RECORDS OF THE EVIDENCE OR THE EXPLANATION REQUIRED, PURSUANT
36 TO PARAGRAPH A OF SUBDIVISION TWO OF SECTION THIRTY-TWO HUNDRED TWELVE
37 OF THIS PART, SHALL BE RETAINED, IN ACCORDANCE WITH RULES AND REGU-
38 LATIONS TO BE PROMULGATED BY THE COMMISSIONER, AT THE SCHOOL OF ATTEND-
39 ANCE OR IN A CENTRAL DISTRICT REPOSITORY FOR SUCH RECORDS. THE RULES AND
40 REGULATIONS SHALL INCORPORATE STANDARDS OF USE AND ACCESS WHICH ARE IN
41 CONFORMITY WITH THE FAMILY EDUCATIONAL AND PRIVACY RIGHTS ACT (20 U.S.C.
42 1232G).

43 S 4. The education law is amended by adding a new section 3212-b to
44 read as follows:

45 S 3212-B. TRANSFER OF PUPILS. 1. UPON FIRST TIME ENROLLMENT OF A MINOR
46 IN A SCHOOL DISTRICT, A SCHOOL DISTRICT SHALL REQUEST OF THE PERSON IN
47 PARENTAL RELATION TO SUCH MINOR THE NAME AND ADDRESS OF THE SCHOOL
48 PREVIOUSLY ATTENDED BY SUCH MINOR. THE ENROLLING SCHOOL SHALL, WITHIN
49 FIFTEEN CALENDAR DAYS, REQUEST IN WRITING THAT THE SCHOOL RECORDS OF
50 SUCH MINOR BE SENT BY THE SCHOOL DISTRICT PREVIOUSLY ATTENDED TO THE
51 SCHOOL DISTRICT IN WHICH THE MINOR IS BEING ENROLLED.

52 2. A SUPERINTENDENT OF SCHOOLS OR HIS AUTHORIZED REPRESENTATIVE SHALL
53 FURNISH TO THE LOCAL LAW ENFORCEMENT AGENCY THE NAME OF, AND ANY OTHER
54 PERTINENT INFORMATION REGARDING, ANY MINOR ENROLLED IN A SCHOOL IN HIS
55 DISTRICT IF THE PERSON IN PARENTAL RELATION TO A MINOR, OR ANY OTHER
56 PERSON, WITHDRAWS THE CHILD FROM SCHOOL AND THE SCHOOL DOES NOT RECEIVE

1 AN OFFICIAL REQUEST FOR THE RECORDS OF SUCH MINOR WITHIN THIRTY CALENDAR
2 DAYS IF THE WITHDRAWAL OCCURS DURING THE SCHOOL YEAR, OR WITHIN NINETY
3 CALENDAR DAYS IF THE WITHDRAWAL OCCURS AT THE END OF THE SCHOOL YEAR.
4 3. NO CIVIL OR CRIMINAL LIABILITY SHALL ARISE OR ATTACH TO ANY SCHOOL
5 DISTRICT OR EMPLOYEE THEREOF FOR ANY ACT OR OMISSION TO ACT AS A RESULT
6 OF, OR IN CONNECTION WITH, THE DUTIES OR ACTIVITIES AUTHORIZED OR
7 DIRECTED BY THIS SECTION PROVIDED SUCH SCHOOL DISTRICT OR ACTING EMPLOY-
8 EE HAS MADE A DOCUMENTED EFFORT BY TELEPHONE OR OTHERWISE TO CONTACT
9 SUCH PARENT OR GUARDIAN IN THE EVENT THAT A CHILD IS SO ABSENT.
10 S 5. This act shall take effect on the first of September next
11 succeeding the date on which it shall have become a law.