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I N   S E N A T E

June 16, 2010
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Introduced by Sen. PARKER -- read twice and ordered printed, and when
  printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to requiring school
  district and board of cooperative educational services officials to
  report bias related offenses to law enforcement agencies

  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 3214-a
 2 to read as follows:
 3   S 3214-A. REPORTS OF BIAS-RELATED OFFENSES. 1. NOTWITHSTANDING ANY
 4 PROVISION OF THIS CHAPTER TO THE CONTRARY, UPON RECEIPT BY A TEACHER,
 5 ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT OR BOARD OF COOPER-
 6 ATIVE EDUCATIONAL SERVICES OF ANY REPORT OF THE ALLEGED COMMISSION OF A
 7 BIAS RELATED OFFENSE COMMITTED UPON THE PROPERTY OF SUCH SCHOOL DISTRICT
 8 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, THE TEACHER, ADMINISTRATOR
 9 OR OTHER EMPLOYEE SHALL IMMEDIATELY REPORT THE ALLEGED COMMISSION OF
10 SUCH BIAS RELATED OFFENSE TO A LAW ENFORCEMENT AGENCY HAVING JURISDIC-
11 TION OVER SUCH OFFENSE. EACH SCHOOL DISTRICT OR BOARD OF COOPERATIVE
12 EDUCATIONAL SERVICES SHALL COOPERATE WITH ANY LAW ENFORCEMENT AGENCY
13 INVESTIGATING AND PROSECUTING A BIAS RELATED OFFENSE.
14   2. FOR THE PURPOSES OF THIS SECTION, "BIAS RELATED OFFENSE" SHALL MEAN
15 ANY OFFENSE, WHICH IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A HATE
16 CRIME AS DEFINED IN SUBDIVISION ONE OF SECTION 485.05 OF THE PENAL LAW.
17   3. THE COMMISSIONER SHALL PROMULGATE AND DISTRIBUTE TO EVERY SCHOOL
18 DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUCH RULES AND
19 REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
20 SECTION AND ENSURE COMPLIANCE THEREWITH.
21   S 2. This act shall take effect immediately, except that subdivision 1
22 of section 3214-a of the education law, as added by section one of this
23 act, shall take effect on the first of September next succeeding the
24 date on which it shall have become a law.

      EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                     LBD07673-01-9