

10206

I N   A S S E M B L Y

March 11, 2010

---

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

AN ACT to amend the education law, in relation to providing dating  
violence education and dating violence policies in school districts,  
boards of cooperative educational services and county vocational  
education and extension boards

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "Jessica Tush act".

3     S 2. The education law is amended by adding a new section 815 to read  
4     as follows:

5     S 815. DATING VIOLENCE EDUCATION.     1. EACH SCHOOL DISTRICT SHALL  
6     INCORPORATE DATING VIOLENCE EDUCATION THAT IS AGE-APPROPRIATE INTO THE  
7     ANNUAL CURRICULUM FRAMEWORK FOR STUDENTS IN GRADES SEVEN THROUGH TWELVE  
8     AND WHICH SHALL BE INCORPORATED INTO VARIOUS CLASS SUBJECTS, INCLUDING  
9     HEALTH.

10     (A) DATING VIOLENCE EDUCATION SHALL INCLUDE, BUT NOT BE LIMITED TO,  
11     DEFINING DATING VIOLENCE, RECOGNIZING DATING VIOLENCE WARNING SIGNS AND  
12     THE ROLE OF CELL PHONES, TEXT MESSAGES, INTERNET AND OTHER ELECTRONIC  
13     MEANS IN CONNECTION WITH DATING VIOLENCE AND CHARACTERISTICS OF HEALTHY  
14     RELATIONSHIPS. ADDITIONALLY, STUDENTS SHALL BE PROVIDED WITH THE SCHOOL  
15     DISTRICT'S DATING VIOLENCE POLICY AS PROVIDED IN SECTION TWENTY-EIGHT  
16     HUNDRED THREE OF THIS CHAPTER.

17     (B) FOR THE PURPOSES OF THIS SECTION:

18     (I) "DATING VIOLENCE" MEANS A PATTERN OF BEHAVIOR WHERE ONE PERSON  
19     USES THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL  
20     ABUSE TO CONTROL HIS OR HER DATING PARTNER AND INCLUDES THREATS MADE BY  
21     CELL PHONE, TEXT MESSAGE, INTERNET OR OTHER ELECTRONIC MEANS.

22     (II) "DATING PARTNER" MEANS ANY PERSON INVOLVED IN AN INTIMATE ASSOCI-  
23     ATION WITH ANOTHER PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFEC-  
24     TIONATE INVOLVEMENT WHETHER CASUAL, SERIOUS OR LONG-TERM.

25     (III) "AT SCHOOL" MEANS IN A CLASSROOM, ON OR IMMEDIATELY ADJACENT TO  
26     SUCH SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE,

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

LBD15758-03-0

1 AT AN OFFICIAL SCHOOL BUS STOP, OR AT ANY SCHOOL-SPONSORED ACTIVITY OR  
2 EVENT WHETHER OR NOT IT IS ON SCHOOL GROUNDS.

3 (C) TO ASSIST SCHOOL DISTRICTS IN DEVELOPING A DATING VIOLENCE EDUCA-  
4 TION PROGRAM, THE DEPARTMENT SHALL REVIEW AND APPROVE THE GRADE LEVEL  
5 TOPICS RELATING TO DATING VIOLENCE AND HEALTHY RELATIONSHIPS.

6 2. UPON WRITTEN REQUEST TO THE SCHOOL PRINCIPAL, A PARENT OR LEGAL  
7 GUARDIAN OF A PUPIL LESS THAN EIGHTEEN YEARS OF AGE, WITHIN A REASONABLE  
8 PERIOD OF TIME AFTER THE REQUEST IS MADE, SHALL BE PERMITTED TO EXAMINE  
9 THE DATING VIOLENCE EDUCATION PROGRAM INSTRUCTION MATERIALS AT THE  
10 SCHOOL IN WHICH HIS OR HER CHILD IS ENROLLED.

11 S 3. The education law is amended by adding a new section 2803 to read  
12 as follows:

13 S 2803. DATING VIOLENCE POLICY. 1. AS USED IN THIS SECTION:

14 (A) "DATING VIOLENCE" MEANS A PATTERN OF BEHAVIOR WHERE ONE PERSON  
15 USES THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL  
16 ABUSE TO CONTROL HIS OR HER DATING PARTNER AND INCLUDES THREATS MADE BY  
17 CELL PHONE, TEXT MESSAGE, INTERNET OR OTHER ELECTRONIC MEANS.

18 (B) "DATING PARTNER" MEANS ANY PERSON, REGARDLESS OF GENDER, INVOLVED  
19 IN AN INTIMATE RELATIONSHIP WITH ANOTHER PRIMARILY CHARACTERIZED BY THE  
20 EXPECTATION OF AFFECTIONATE INVOLVEMENT WHETHER CASUAL, SERIOUS OR  
21 LONG-TERM.

22 (C) "AT SCHOOL" MEANS IN A CLASSROOM, ON OR IMMEDIATELY ADJACENT TO  
23 SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, AT AN  
24 OFFICIAL SCHOOL BUS STOP, OR AT ANY SCHOOL-SPONSORED ACTIVITY OR EVENT  
25 WHETHER OR NOT IT IS ON SCHOOL GROUNDS.

26 2. THE DEPARTMENT, IN CONJUNCTION WITH THE OFFICE FOR THE PREVENTION  
27 OF DOMESTIC VIOLENCE, SHALL DEVELOP A MODEL DATING VIOLENCE POLICY TO  
28 ASSIST SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND  
29 COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS IN DEVELOPING POLICIES  
30 FOR DATING VIOLENCE REPORTING AND RESPONSE. THE MODEL POLICY SHALL BE  
31 ISSUED ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN.

32 3. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND  
33 COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL ESTABLISH A  
34 SPECIFIC POLICY TO ADDRESS INCIDENTS OF DATING VIOLENCE INVOLVING  
35 STUDENTS AT SCHOOL BY DECEMBER FIRST, TWO THOUSAND ELEVEN. EACH SCHOOL  
36 DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCA-  
37 TIONAL EDUCATION AND EXTENSION BOARD SHALL VERIFY COMPLIANCE WITH THE  
38 DEPARTMENT ON AN ANNUAL BASIS THROUGH THE SCHOOL DISTRICT REPORT CARDS  
39 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES REPORT CARD REQUIRED BY  
40 THIS CHAPTER.

41 (A) SUCH POLICY SHALL INCLUDE, BUT NOT BE LIMITED TO, A STATEMENT THAT  
42 DATING VIOLENCE WILL NOT BE TOLERATED, DATING VIOLENCE REPORTING PROCE-  
43 DURES, GUIDELINES TO RESPONDING TO AT-SCHOOL INCIDENTS OF DATING  
44 VIOLENCE AND DISCIPLINE PROCEDURES SPECIFIC TO SUCH INCIDENTS. SUCH  
45 POLICY SHALL FURTHER AUTHORIZE A STUDENT WHO IS A VICTIM OF DATING  
46 VIOLENCE TO REQUEST THAT THE PERPETRATOR OF THE VIOLENCE BE TRANSFERRED  
47 TO ANOTHER SCHOOL.

48 (B) TO ENSURE NOTICE OF THE SCHOOL DISTRICT'S, BOARD OF COOPERATIVE  
49 EDUCATIONAL SERVICES' AND COUNTY VOCATIONAL EDUCATION AND EXTENSION  
50 BOARD'S DATING VIOLENCE POLICY, THE POLICY SHALL BE PUBLISHED IN ANY  
51 SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY  
52 VOCATIONAL EDUCATION AND EXTENSION BOARD POLICY AND HANDBOOK THAT SETS  
53 FORTH THE COMPREHENSIVE RULES, PROCEDURES AND STANDARDS OF CONDUCT FOR  
54 STUDENTS AT SCHOOL.

55 4. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND  
56 COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL PROVIDE DATING

1 VIOLENCE TRAINING TO ALL ADMINISTRATORS, TEACHERS, NURSES AND MENTAL  
2 HEALTH STAFF AT THE MIDDLE AND HIGH SCHOOL LEVELS. UPON THE RECOMMENDA-  
3 TION OF THE ADMINISTRATOR, OTHER STAFF MAY BE INCLUDED OR MAY ATTEND THE  
4 TRAINING ON A VOLUNTEER BASIS. THE DATING VIOLENCE TRAINING SHALL  
5 INCLUDE, BUT NOT BE LIMITED TO, BASIC PRINCIPLES OF DATING VIOLENCE,  
6 WARNINGS SIGNS OF DATING VIOLENCE AND THE ROLE OF CELL PHONES, TEXT  
7 MESSAGES, INTERNET, AND OTHER ELECTRONIC MEANS IN CONNECTION WITH DATING  
8 VIOLENCE AND THE SCHOOL DISTRICT'S DATING VIOLENCE POLICY, TO ENSURE  
9 THAT THEY ARE ABLE TO APPROPRIATELY RESPOND TO INCIDENTS OF DATING  
10 VIOLENCE AT SCHOOL. THEREAFTER, THIS TRAINING SHALL BE PROVIDED YEARLY  
11 TO ALL NEWLY HIRED STAFF DEEMED APPROPRIATE TO RECEIVE THE TRAINING BY  
12 THE SCHOOL'S ADMINISTRATION.

13 5. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND  
14 COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL INFORM THE  
15 STUDENTS' PARENTS OR LEGAL GUARDIANS OF THE DATING VIOLENCE POLICY. IF  
16 REQUESTED, THE SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL  
17 SERVICES OR COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL  
18 PROVIDE THE PARENTS OR LEGAL GUARDIANS WITH THE SCHOOL DISTRICT'S DATING  
19 VIOLENCE POLICY AND RELEVANT INFORMATION.

20 6. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND  
21 COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL PROVIDE PARENT  
22 AWARENESS DATING VIOLENCE TRAINING TO EDUCATE PARENTS ON SIGNS OF DATING  
23 VIOLENCE AND WAYS TO PREVENT TEEN DATING VIOLENCE TO ALL PARENTS OF  
24 CHILDREN AT THE MIDDLE AND HIGH SCHOOL LEVELS. THE PARENT AWARENESS  
25 DATING VIOLENCE TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, BASIC  
26 PRINCIPLES OF DATING VIOLENCE, WARNING SIGNS OF DATING VIOLENCE AND THE  
27 ROLE OF CELL PHONES, TEXT MESSAGES, INTERNET, AND OTHER ELECTRONIC MEANS  
28 IN CONNECTION WITH DATING VIOLENCE AND THE SCHOOL DISTRICT'S DATING  
29 VIOLENCE POLICY, TO ENSURE THAT THEY ARE ABLE TO RECOGNIZE INCIDENTS OF  
30 DATING VIOLENCE AND TO ADVISE PARENTS WHAT THEY CAN DO IF THEY SUSPECT  
31 THEIR CHILD IS A VICTIM OR PERPETRATOR OF DATING VIOLENCE. PARENT AWARE-  
32 NESS DATING VIOLENCE TRAINING SHALL BE PROVIDED YEARLY.

33 7. THIS SECTION DOES NOT PREVENT A VICTIM FROM SEEKING REDRESS UNDER  
34 ANY OTHER AVAILABLE LAW, EITHER CIVIL OR CRIMINAL. THIS SECTION DOES NOT  
35 CREATE OR ALTER ANY TORT LIABILITY.

36 S 4. The education law is amended by adding a new section 816 to read  
37 as follows:

38 S 816. RESPECT AND SELF-ESTEEM EDUCATION. 1. (A) EACH SCHOOL DISTRICT  
39 SHALL INCORPORATE RESPECT AND SELF-ESTEEM EDUCATION THAT IS AGE-APPRO-  
40 PRIATE INTO THE ANNUAL CURRICULUM FRAMEWORK FOR STUDENTS IN GRADES  
41 KINDERGARTEN THROUGH SIX.

42 (B) TO ASSIST SCHOOL DISTRICTS IN DEVELOPING A RESPECT AND SELF-ESTEEM  
43 EDUCATION PROGRAM, THE DEPARTMENT SHALL REVIEW AND APPROVE THE GRADE  
44 LEVEL TOPICS RELATING TO RESPECT AND SELF-ESTEEM.

45 2. UPON WRITTEN REQUEST TO THE SCHOOL PRINCIPAL, A PARENT OR LEGAL  
46 GUARDIAN OF A PUPIL LESS THAN EIGHTEEN YEARS OF AGE, WITHIN A REASONABLE  
47 PERIOD OF TIME AFTER THE REQUEST IS MADE, SHALL BE PERMITTED TO EXAMINE  
48 THE RESPECT AND SELF-ESTEEM EDUCATION PROGRAM INSTRUCTION MATERIALS AT  
49 THE SCHOOL IN WHICH HIS OR HER CHILD IS ENROLLED.

50 S 5. This act shall take effect on the one hundred twentieth day after  
51 it shall have become a law.