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

4191

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. RAMOS -- Multi-Sponsored by -- M. of A. ALESSI, CLARK, DIAZ, GALEF, MAGEE, MAISEL, McENENY, ORTIZ, WEISENBERG -- read once and referred to the Committee on Education

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 3214-a to read as follows:

S 3214-A. REPORTS OF BIAS-RELATED OFFENSES. 1. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, UPON RECEIPT BY A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF ANY REPORT OF THE ALLEGED COMMISSION OF A BIAS RELATED OFFENSE COMMITTED UPON THE PROPERTY OF SUCH SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, THE TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE SHALL IMMEDIATELY REPORT THE ALLEGED COMMISSION OF SUCH BIAS RELATED OFFENSE TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER SUCH OFFENSE. EACH SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL COOPERATE WITH ANY LAW ENFORCEMENT AGENCY INVESTIGATING AND PROSECUTING A BIAS RELATED OFFENSE.

2. FOR THE PURPOSES OF THIS SECTION, "BIAS RELATED OFFENSE" SHALL MEAN ANY OFFENSE, WHICH IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A HATE CRIME AS DEFINED IN SUBDIVISION ONE OF SECTION 485.05 OF THE PENAL LAW.

3. THE COMMISSIONER SHALL PROMULGATE AND DISTRIBUTE TO EVERY SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION AND ENSURE COMPLIANCE THEREWITH.

S 2. This act shall take effect immediately, except that subdivision 1 of section 3214-a of the education law, as added by section one of this act, shall take effect on the first of September next succeeding the 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.

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