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

3540

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

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

AN ACT to amend the education law, in relation to conduct on school property

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 2803 to read as follows:

S 2803. UNIFORM INCIDENT REPORTING SYSTEM REGARDING REMOVAL OF STUDENTS AND OTHER PERSONS FROM CLASSROOMS AND SCHOOL PROPERTY. 1. THE COMMISSIONER SHALL ESTABLISH A STATEWIDE UNIFORM INCIDENT REPORTING SYSTEM WHICH PUBLIC SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS SHALL FOLLOW.

2. THE UNIFORM INCIDENT REPORTING SYSTEM REGARDING REMOVAL OF STUDENTS AND OTHER PERSONS FROM CLASSROOMS AND SCHOOL PROPERTY SHALL CREATE A REGISTRY AND SHALL REQUIRE PUBLIC SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS TO ANNUALLY REPORT TO THE COMMISSIONER IN A FORM AND BY A DATE PRESCRIBED BY THE COMMISSIONER, THE FOLLOWING INFORMATION CONCERNING STUDENTS AND THE OTHER PERSONS WHO ARE REMOVED FROM CLASSROOMS AND SCHOOL PROPERTY PURSUANT TO THIS ARTICLE:

A. THE NAME OF THE SCHOOL DISTRICT OR DISTRICTS IN WHICH THE REMOVAL OF THE STUDENT OR STUDENTS OR OTHER PERSON OR PERSONS FROM A CLASSROOM OR SCHOOL PROPERTY OCCURRED;

B. THE NAME OF THE TEACHER, THE NAME OF THE SCHOOL AND THE LOCATION OF THE SCHOOL AT WHICH THE REMOVAL OCCURRED;

C. IF THE INDIVIDUAL REMOVED IS A STUDENT, THE AGE AND GRADE OF THE STUDENT;

D. THE REASONS STATED BY THE TEACHER FOR THE REMOVAL;

E. THE ACTION TAKEN BY THE SCHOOL IN RESPONSE TO THE INCIDENT;

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

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F. WHETHER ANY DISCIPLINARY ACTION WAS TAKEN AGAINST THE STUDENT, AND IF SO, THE TYPE OF DISCIPLINARY ACTION TAKEN AGAINST THE STUDENT;

G. BY JANUARY FIRST OF EACH YEAR, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE LEGISLATURE AND THE REGENTS CONCERNING THE PREVALENCE OF INCIDENTS INVOLVING REMOVAL FROM THE CLASSROOM. THE REPORT SHALL SUMMARIZE THE INFORMATION AVAILABLE FROM THE REGISTRY AND INCIDENT REPORTING SYSTEM AND IDENTIFY SPECIFICALLY THE SCHOOLS AND SCHOOL DISTRICTS WITH THE LEAST AND THE GREATEST INCIDENCE OF INCIDENTS AND THE NAMES OF TEACHERS AND NUMBER OF CLASSROOM REMOVALS INITIATED BY EACH SUCH INDIVIDUAL TEACHER. THE REPORT SHALL ALSO, TO THE EXTENT POSSIBLE, RELATE THE RESULTS AVAILABLE FROM THE REGISTRY, TOGETHER WITH SUCH OTHER ANALYSIS AND INFORMATION AS THE COMMISSIONER DETERMINES IS APPROPRIATE, TO THE EFFECTIVENESS OF CLASSROOM REMOVAL MEASURES UNDERTAKEN BY PARTICIPATING SCHOOLS AND SCHOOL DISTRICTS; AND

H. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION AND TO ASSURE TO THE EXTENT PRACTICABLE THAT THE REPORTS USED BY SCHOOL DISTRICTS ARE UNIFORM AND COMPARABLE WITH RESPECT TO THE TYPES OF INCIDENTS REPORTED AND THE RESPONSES OF THE SCHOOLS AND SCHOOL DISTRICTS. IF THE REPORTS INDICATE A TEACHER HAS AN UNUSUALLY LARGE NUMBER OF REMOVALS OR THE REASONS FOR SAME ARE UNSATISFACTORY, SUCH TEACHER SHALL BE SUBJECT TO APPROPRIATE ACTION BY THE COMMISSIONER. SUCH REGULATIONS SHALL PROVIDE FOR THE CONFIDENTIALITY OF ALL PERSONALLY IDENTIFIABLE INFORMATION AND SHALL ENSURE THAT ANY PERSONALLY IDENTIFIABLE INFORMATION WHICH IS COLLECTED IS USED ONLY FOR ITS INTENDED PURPOSE. FURTHER, ANY INFORMATION COLLECTED UNDER THIS SECTION SHALL BE PERPETUATED IN THE REGISTRY FOR FURTHER EVALUATION BY THE COMMISSIONER.

S 2. This act shall take effect immediately.